

## Article 4 - District Regulations

### **Article 4 District Regulations**

#### **Section 401. Zoning Maps** (Amended 4/21/92, 4/4/02, 10/3/11)

##### **401-1. GENERAL ZONING MAP**

A map entitled "City of Saco Zoning Map" is hereby adopted as part of this Ordinance and hereafter shall be referred to as the Official Zoning Map. It shall be located in the Inspections Department and shall be the final authority as to the current status of the land and water areas, buildings and other structures in the City.

The boundaries of the Zoning Districts set forth in Section 403 shall be as shown on the "City of Saco Zoning Map" except as follows:

##### Resource Protection

The RP District shall include the areas shown as RP on the Official Zoning Map and the following areas when they occur within the limits of the shoreland zone as mandated by the State of Maine Mandatory Shoreland Zoning Act 38 M.R.S.A. § 435 et. seq. whether or not such areas are shown on the zoning map:

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1989 and the area within one hundred (100) feet, horizontal distance, of the upland edge of the unrated mapped freshwater wetlands along Stackpole Creek and the Nonesuch River.
2. Land areas within the 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres with hydric soils and supporting wetland vegetation that are not part of a freshwater or coastal wetland as defined, and that are not surficially connected to a water body during normal spring high water.
5. Land areas adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.
6. All land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.
7. All land area within 250', horizontal distance, from the following natural features:

Cascade Brook Falls  
Nonesuch River Fault  
Saco Heath

#### Article 4 - District Regulations

8. All land area known as Stratton Island, Bluff Island, Ram Island and Eagle Island.
9. All land area currently being used as general public access to tidal beaches or the Saco River.
10. All land area within one hundred (100) feet, horizontal distance, of Philips Spring, Seal Rock Spring, Heath Road Spring and Jenkins Road Spring.

#### Saco River Overlay District

The Saco River Overlay District includes all lands subject to the jurisdiction of the Saco River Corridor Commission whether or not such areas are shown on the zoning map. The Overlay District includes all lands adjacent to the Saco River to a distance of five hundred (500) feet as measured on a horizontal plane from the mean high water line of the river or to the edge of the 100-year flood plain if the flood plain extends beyond five hundred (500) feet, up to a maximum of one thousand (1,000) feet from the mean high water line.

#### Shoreland Overlay District

The Shoreland Overlay District includes all lands subject to Shoreland Zoning as mandated by the State of Maine Mandatory Shoreland Zoning Act 38 M.R.S.A. § 435 et. seq. that are not included in the Resource Protection District or the Saco River Overlay District whether or not such areas are shown on the zoning map.

#### **401-2. APPLICABILITY.**

Notwithstanding enactment of these amendments to the Zoning Map, the property identified on the City Assessor's maps as Map 61, Lot 13 and described in a deed recorded in the York County Registry of Deeds at Book 9554 Page 147 shall continue to be governed by the zoning district regulations for the B-2a District in effect on February 19, 2002, provided such property is developed as a residential subdivision not exceeding 13 dwelling units in new structures plus any dwelling units and/or bed and breakfast units permissible in existing structures, and further provided that a sketch plan review application under section 4.2 of the City of Saco Subdivision Regulations has been filed on or before February 19, 2002, a complete application for preliminary subdivision approval and any required applications for site plan and/or conditional use approval are submitted within six months after the filing of the sketch plan application, the subdivision is approved within two years of the filing of the sketch plan application, and substantial construction of the subdivision is commenced within two years after approval. (Editor's note: Amendments to the zoning map made by the City Council on February 19, 2002, on the fragmentary map entitled "Proposed Route 1 Zoning, Council Alternate A" are subject to this provision.)

#### **401-3. HISTORIC PRESERVATION DISTRICT MAP**

The areas included in the Historic Preservation District are shown on the adopted Historic Preservation Map, and are described in Section 413-6. (Amended 4/21/92)

## Article 4 - District Regulations

### **Section 402. Copies of Zoning Map**

Representative maps which may be appended to this Ordinance are for reference only and shall not be construed to be Official Zoning Maps.

### **Section 403. Zoning Districts (Amended 7/1/13)**

The city is divided into the districts stated and described in this Ordinance and as shown by the district boundary lines on the Official Zoning Map. The district classifications are:

#### RESIDENTIAL DISTRICTS:

R-1 Low Density District

R-2 Medium Density District

R-3 High Density District

R-4 General Residential District

MHP Mobile Home Park Overlay District

#### MIXED USE DISTRICTS (Amended 7/1/13)

MU-1 Downtown Residential Mixed Use District

MU-3 Planned Mixed-Use District

MU-4 Planned Limited Mixed-Use District

#### BUSINESS DISTRICTS:

B-1 General Business District

B-2 Highway Business District

B-3 Downtown Business District

B-4 Planned Development District

B-5 Marine Business and Residential

B-6 Highway Business and Commercial District

B-7 Limited Business/Residential District

B-8 Office Park District (Amended 9/4/12)

## Article 4 - District Regulations

BP Business Park District

### INDUSTRIAL DISTRICTS:

I-1 Industrial Park District

I-2 Industrial Business District

I-3 Light Industrial-Business Park District

### CONSERVATION DISTRICT:

C-1 Conservation District

### NATURAL RESOURCE DISTRICTS: RP Resource Protection District

SR Saco River Overlay District

SO Shoreland Overlay District

CDOD Coastal Development Overlay District

(Amended 5/9/90, 3/2/92, 2/19/02, 4/4/02; 10/3/11)

## Section 404. District Boundaries

### 404-1. UNCERTAINTY OF BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 2) Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;
- 3) Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- 4) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 5) Boundaries indicated as following or measured from natural features such as the upland limit of wetlands or the limit of floodplains shall be construed to follow or be measured from the actual

#### Article 4 - District Regulations

limit of the natural resource as located on the face of the earth even if such location is at variance with the location shown on the Official Zoning Map;

- 6) Boundaries indicated as being parallel to or extensions of features indicated in paragraphs (1) through (5) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map except as provided in (5) above, or in circumstances where the items covered by paragraphs (1) through (6) above are not clear, the Board of Appeals shall interpret the district boundaries.

The district boundaries located on the Zoning Map represent the City of Saco's Ordinance. In addition, areas along the Saco River are also governed by the Saco River Corridor Commission. Separate, and in some cases more restrictive, regulations exist for this area and must be consulted when development is contemplated.

#### **404-2. DIVISION OF LOTS BY DISTRICT BOUNDARIES**

Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended up to 100 feet into the more restricted portion of the lot, subject to approval of the Planning Board pursuant to the criteria for conditional uses. (Amended 12/7/92)

#### **Section 405. Residential Districts: Purposes**

Districts designated R-1, R-2, R-3, and R-4 are intended for primarily residential uses. Other uses may be integrated where compatible. The specific purpose of each of the residential districts is as follows:

##### **405-1. R-1 LOW DENSITY DISTRICT (includes R-1a, R-1b, R -1c and R-1d designations)**

The R-1 classification is designated for areas which are predominately single-family residential in character. It includes both sewered and unsewered land, with appropriate lot size requirements for each situation. New land uses in this district are restricted to low-density residential and associated uses.

##### **405-2. R-2 MEDIUM DENSITY DISTRICT**

The R-2 classification is designated for land where central water and sewer facilities are available or where the installation of these facilities is feasible, and where new multi-family developments can be harmoniously located within existing neighborhoods.

##### **405-3. R-3 HIGH DENSITY DISTRICT**

The R-3 classification is designated for land that may be developed more intensively than in the R-2 district due to its proximity to the central business area of Saco, the availability of central water and sewer facilities, and the general character of existing land uses.

## Article 4 - District Regulations

### 405-4. R-4 GENERAL RESIDENTIAL DISTRICT

The R-4 classification is designated for land that, due to its availability of land, access to utilities, and existing character, can support a mix of residential use at medium densities.

### 405-5. MHP MOBILE HOME PARK OVERLAY DISTRICT

The Mobile Home Park Overlay District is designated for use by mobile home parks at densities represented in Table 412-2, as prescribed by the State. (Amended 5/9/90)

### **Section 405A. Mixed-Use Districts: Purposes** (amended 7/1/13)

Districts designated as mixed-use districts are intended to accommodate both residential uses and a range of non-residential uses depending on the specific purpose of each district. The intention of these districts is to allow for a mix of residential and non-residential activity in a manner that provides a quality environment for all uses. The specific purpose of each of the mixed-use districts is as follows:

#### 405A-1. MU-1 DOWNTOWN RESIDENTIAL MIXED-USE DISTRICT

The MU-1 classification is intended to allow older residential neighborhoods in the downtown area to remain predominantly residential with a mix of housing types while allowing for the reuse of existing buildings as well as limited redevelopment that allows for an increase in the amount of non-residential use such as small scale specialty retail uses, services, restaurants, and business and professional offices especially on the first floor of mixed-use buildings. At the same time, the amount of residential use in the neighborhood is maintained or increased as a result of more intensive use of existing buildings and limited redevelopment. The overall scale and character of rehabilitated or new buildings should be compatible with the established character of the neighborhood. (Amended 10/3/11)

#### 405A-2. Reserved.

#### 405A-3. MU-3 PLANNED MIXED-USE DISTRICT

The MU-3 classification is intended to allow for the development of high-quality mixed-use neighborhoods on either side of Route One with a wide range of both residential and non-residential uses. The character of these neighborhoods is more urban than suburban and the neighborhoods are organized around an internal street system rather than being primarily oriented to Route One. The neighborhoods are pedestrian-friendly and include a high level of pedestrian and bicycle facilities that serve the neighborhoods and link them to other areas of the City and the Eastern Trail. A substantial portion of each neighborhood is set aside as open space, recreation areas, and conservation land.

## Article 4 - District Regulations

### 405A-4. MU-4 PLANNED LIMITED MIXED-USE DISTRICT

The MU-4 classification is intended to allow for the development of the usable portions of the district with a mix of high density residential uses and lower-intensity non-residential uses such as community services and professional offices that are related to and supportive of a residential use while a large part of the district is retained as open space. The character of the neighborhood is urban, higher density/intensity of use in limited areas with the remainder preserved as open space and conservation land. (Amended 7/1/13)

#### **Section 406. Business Districts: Purposes**

A district designated for business uses is limited to business, public, and certain residential uses. By establishing a compact district for such uses, better fire and police protection and less costly utility networks may be provided. Most industrial uses are excluded in order to reduce the hazards caused by extensive rail and truck movements normally associated with such uses. However, in some business districts, industrial research and certain light industrial uses are permitted if they are of such a nature that they do not cause any hazards and if they meet the specific requirements set forth in the Ordinance. The specific purposes of each of the business districts are as follows: (Amended 1/3/95)

#### 406-1. B-1 GENERAL BUSINESS DISTRICT

The B-1 classification permits uses which would normally require more space than is available in an urban core area. The purpose of this district is to encourage desirable businesses in proximity to the urban core where they may be readily accessible and to provide a variety of lot sizes and building types not generally available in the central business district. (Amended 1/3/95)

#### 406-2. B-2 HIGHWAY BUSINESS DISTRICT

The B-2 classification permits business uses which require large areas or volumes of automobile traffic. The purpose of this district is to locate these high traffic generators away from the downtown core, along the major arterial traffic routes. The B-2 District includes the B-2a, B-2b, B-2c and B-2d designations. (Amended 3/2/92)

#### 406-3. B-3 DOWNTOWN BUSINESS DISTRICT

The B-3 classification permits high value business and services of the type needed within walking distance of high density residential dwelling, and which may also serve a regional financial, service, or retail role. The intent of this district is to concentrate urban businesses and residences in a core area so that each will complement the other.

#### 406-4. B-4 PLANNED DEVELOPMENT DISTRICT

The B-4 classification is intended to allow for large-scale innovative, comprehensively designed, mixed development and redevelopment of property in the area known as Factory Island. This classification recognizes the unique features of this area, including proximity to downtown, frontage on the Saco River, and its past intensive industrial use, and is meant to encourage flexible, but carefully thought-out reuse of the land and its building.

#### Article 4 - District Regulations

##### 406-5. B-5 MARINE BUSINESS AND RESIDENTIAL DISTRICT

The Marine Business and Residential District is intended to encourage a mix of marine oriented uses, as well as residential uses, and small scale tourist facilities in the Camp Ellis area. (Amended 5/15/89)

##### 406-6. B-6 HIGHWAY BUSINESS AND COMMERCIAL DISTRICT

The B-6 classification permits a mix of business and commercial uses which prefer high traffic locations, as well as limited industrial and residential uses. (Amended 3/2/92)

##### 406-7. B-7 LIMITED BUSINESS/RESIDENTIAL DISTRICT

The purpose of this district is to provide an area for a mix of residential and low impact business uses appropriate to a traditionally residential area adjacent to the central business district. (Amended 1/17/95)

##### 406-8. BP BUSINESS PARK DISTRICT

The purpose of the BP District is to provide an area for the development of high quality office, service, and fully enclosed light industrial uses in a “business park”-like environment while allowing for the continuation of traditional uses. (Amended 2/19/02)

##### 406-9. Reserved.

##### 406-10. B-8 OFFICE PARK DISTRICT

The B-8 classification is intended to provide attractive locations for high-quality economic growth in close proximity to the Maine Turnpike. These areas develop as attractive office parks that attract a range of business and professional offices, hotels and related services, and indoor recreation/entertainment uses. A limited amount of residential development is accommodated as part of mixed-use developments. The areas have attractive visual environments with well-designed buildings and attractive site design. The natural environment is protected and green space is provided as part of the development. (Amended 9/4/12)

#### **Section 407. Industrial Districts: Purposes**

Districts designated I-1, I-2, or I-3 are intended for industries and their expansions as well as for future industrial, office, and other nonresidential development. Retail and residential uses are generally not permitted in these districts. Performance standards, parking specifications, and yard regulations are set forth in the Ordinance in order to ensure safe industrial development that is compatible with adjacent uses. (Amended 2/19/02)

The specific purpose of each industrial district is as follows:

##### 407-1. I-1 INDUSTRIAL PARK DISTRICT

The I-1 classification is designed for areas in which the establishment of industrial installations and offices in a campus-like arrangement is promoted.

##### 407-2. I-2 INDUSTRIAL BUSINESS DISTRICT



#### Article 4 - District Regulations

The I-2 classification is intended to serve as a transitional zone between business and industry, allowing a mix of certain non-retail commercial uses and manufacturing uses. The I-2 family of districts includes the I-2 district and the I-2b district.

#### 407-3. I-3 LIGHT INDUSTRIAL-BUSINESS PARK DISTRICT

The I-3 classification is designed to allow a range of light industrial and commercial uses to develop in a planned environment that limits most retail and residential uses. (Amended 2/19/02)

### **Section 408. Conservation District: Purpose**

#### 408-1. C-1 CONSERVATION DISTRICT

The C-1 district is designed to promote and preserve agriculture and open space, while permitting low density residential uses that do not conflict with this overall purpose.

### **Section 409. Natural Resource Districts: Purposes**

#### 409-1. RP RESOURCE PROTECTION DISTRICT

The RP district is designed to protect fragile shoreline and other ecological systems, which, if developed, would reduce water quality, disrupt wildlife and aquatic habitat and biotic systems, or infringe upon areas necessary for natural flood protection or storage of storm waters. This district is meant to encourage those uses that can be appropriately and safely located in wetland areas.

#### 409-2. SR SACO RIVER OVERLAY DISTRICT

The SR District identifies those areas that are subject to the regulations of the Saco River Corridor Commission in addition to the provisions of this ordinance. This designation is intended to foster the coordination of the City's land use regulations with the regulations of the Commission.

#### 409-3. SO SHORELAND OVERLAY DISTRICT

The SO District is intended to assure that activities that occur within close proximity of the waterbodies subject to state mandated shoreland zoning are carried out in a manner that protects water quality, promotes wildlife movement, and preserve the scenic quality of these shorelands.

### **Section 410. Permitted and Conditional Uses in Each District**

The permitted and conditional uses for each district are shown on the following table. Uses not specifically listed or defined to be included either according to definitions contained in this Ordinance or according to the common meaning of the term, shall not be permitted.

## Article 4 - District Regulations

**410-1. R-1 LOW DENSITY DISTRICT** (Editor's note: includes R-1a, R-1b, R-1c and R-1d except where otherwise noted.)

### PERMITTED USES

1. Single family dwellings
2. Agriculture, excluding livestock
3. Public parks and playgrounds
4. Public and private schools, excluding commercial schools
5. Places of Worship (Amended 7/16/12)
6. Essential services
7. Accessory uses
8. Any use permitted in the Resource Protection District
9. Home babysitting service (Amended 8/1/88)
10. Adult day care center, Type 1 (Amended 7/1/91)
11. Accessory apartments in Single Family Dwelling, R-1b only (Amended 8/6/01)
12. One accessory apartment in a single family dwelling (Amended 10/20/08)
13. Community living uses (Amended 12/1/08)

### CONDITIONAL USES

1. Two-family dwellings (reviewed as minor conditional use) (Amended 12/17/02)
2. Cemeteries
3. Home occupations
4. Nonprofit recreational uses
5. Nursery schools
6. Day care centers
7. Reserved
8. Municipal uses not listed under permitted uses
9. Public utility buildings
10. Commercial greenhouses and nurseries
11. Kennels
12. Stables
13. Quasi-public uses
14. Water recreation including piers, docks, and boathouses related thereto
15. (Reserved)
16. Offices which comply with the standards of Section 713 of this Ordinance (R1-b district only) (Amended 5/7/93)
17. Bed and breakfast establishment, in the R1-b District only (Amended 9/5/85)
18. Day care home (Amended 8/1/88)
19. Religious conference center in the R1-c District only (Amended 6/19/88)
20. Adult day care center, Type 2 (Amended 7/1/91)
21. Reserved
22. Bed and Breakfast Establishments, in Historic Overlay Districts and on Historic Sites only, subject to Section 716 (R-1a only)
23. Home Based Retail Use (R-1b district only with frontage on Main Street, subject to Section 721)
24. Golf Courses, in the R-1a District only, subject to Section 722
25. High Voltage Transmission Lines (Amended 12/15/08)

## Article 4 - District Regulations

26. Elder/Disability Housing Facility (5/21/12)
27. Elder/Disability Housing Facility – Limited Service (5/21/12)

### **410-2. R-2 MEDIUM DENSITY DISTRICT**

#### PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Places of Worship (Amended 7/16/12)
4. Essential services
5. Public parks and playgrounds
6. Public and private schools, excluding commercial schools
7. Agriculture, excluding livestock
8. Accessory uses
9. Any use permitted in the resource protection district
10. Home babysitting service (Amended 8/1/88)
11. Adult day care center, Type 1 (7/1/91)
12. One accessory apartment in a single family dwelling (Amended 10/20/08)
13. Community living uses (Amended 12/1/08)

#### CONDITIONAL USES

1. Multi-family dwellings limited to no more than eight units in each building, unless a conversion of an existing building, within the existing structure, except for minor additions such as stair towers, entrances, dormers, and similar minor building features (Amended 4/28/08)
2. Elder/Disability Housing Facility  
Elder/Disability Housing Facility – Limited Service (5/21/12)
3. Hospitals and clinics
4. Boarding houses
5. Home occupations
6. Parking lots (Amended 1/3/95)
7. Funeral homes
8. Cemeteries
9. Elder/Disability Care Facility – Full Service (5/21/12)
10. Municipal uses not listed under permitted uses
11. Nursery schools
12. Day care centers
13. Nonprofit recreational uses
14. Public utility buildings
15. Commercial greenhouses and nurseries
16. Water recreation including piers, docks, and boathouses related thereto
17. Private clubs
18. Offices which comply with the standards of Section 713 of this Ordinance
19. Kennels
20. Quasi-public uses
21. (Reserved)
22. Day care home (Amended 8/1/88)

## Article 4 - District Regulations

23. Adult day care center, Type 2 (Amended 7/1/91) (Amended 8/1/88; 7/1/91)
24. High Voltage Transmission Lines (Amended 12/15/08)
25. Campgrounds existing as of April 15, 2012 (Amended 8/6/12)

### **410-3. R-3 HIGH DENSITY DISTRICT**

#### PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Places of Worship (Amended 7/16/12)
4. Essential services
5. Public and private schools, excluding commercial schools
6. Public parks and playgrounds
7. Accessory uses
8. Any use permitted in the Resource Protection District
9. Home babysitting service Amended 8/1/88)
10. Adult day care center, Type 1 Amended 7/1/91)
11. One accessory apartment in a single family dwelling (Amended 10/20/08)
12. Community living uses (Amended 12/1/08)

#### CONDITIONAL USES

1. Multi-family dwellings
2. Elder/Disability Housing Facility and  
Elder/Disability Housing Facility – Limited Service (5/21/12)
3. Boarding homes
4. Home occupations
5. Hotels and motels
6. Tourist homes
7. Commercial parking lots
8. Funeral homes
9. Offices which comply with the standards of Section 713 of this Ordinance
10. Hospitals and clinics for humans
11. Quasi-public uses
12. Elder/Disability Care Facility – Full Service (5/21/12)
13. Nursery schools
14. Day care centers
15. Private clubs
16. Nonprofit recreational uses
17. Municipal uses not listed under permitted uses
18. Public utility buildings
19. Water recreation including piers, docks, and boathouses related thereto
20. (Reserved)
21. Bed and breakfast establishments (Amended 9/5/85)

## Article 4 - District Regulations

- 22. Day care home (Amended 8/1/88)
- 23. Adult day care center, Type 2 (Amended 7/1/91)(Amended 9/5/85; 8/1/88; 7/1/91)
- 24. High Voltage Transmission Lines (Amended 12/15/08)

## Article 4 - District Regulations

### **410-4. R-4 GENERAL RESIDENTIAL DISTRICT** (Amended 1/3/95)

#### PERMITTED USES

1. Any use permitted as a matter of right in the R-2 District
2. Manufactured housing units
3. Multi-family dwellings in structures containing no more than eight units each
4. Reserved
5. Boarding homes
6. Any use permitted in the Resource Protection District
7. Home babysitting service (Amended 8/1/88)
8. Adult day care center, Type 1 (Amended 7/1/91)(Amended 8/1/88; 7/1/91; 1/3/95)
9. One accessory apartment in a single family dwelling (Amended 10/20/08)

#### CONDITIONAL USES

1. Any use permitted as a conditional use in the R-2 District and not otherwise listed herein as a use permitted as a matter of right
2. High Voltage Transmission Lines (Amended 12/15/08)
3. Campgrounds existing as of April 15, 2012 (Amended 8/6/12)

## Article 4 - District Regulations

### **410-4A. MU-1 DOWNTOWN RESIDENTIAL MIXED USE DISTRICT**

#### PERMITTED USES

1. Single family dwelling (existing as of April 1, 2011)
2. Two family dwellings
3. Multi-family dwellings
4. Elder/Disability Housing Facility and Elder/Disability Housing Facility – Limited Service (5/21/12)
5. Dwelling units above the first floor in a mixed-use building
6. One accessory apartment in a single family dwelling
7. Home occupations
8. Retail businesses<sup>1</sup> excluding outdoor sales and drive-thru service
9. Eating establishments<sup>1</sup> excluding fast food restaurants
10. Eating and drinking establishments<sup>1</sup>
11. Business offices
12. Professional offices
13. Financial institutions<sup>1</sup> excluding drive-thru service
14. Business services<sup>1</sup>
15. Personal services<sup>1</sup>
16. Repair services<sup>1</sup>
17. Artist or craftsperson studios<sup>1</sup>
18. Commercial schools<sup>1</sup>
19. Health care clinics for humans<sup>1</sup>
20. Home babysitting service
21. Day care home
22. Bed and breakfast establishments
23. Places of worship<sup>1</sup>
24. Municipal uses<sup>1</sup>
25. Quasi-municipal or public uses<sup>1</sup>
26. Public utility buildings<sup>1</sup>
27. Essential services
28. Accessory uses
29. Any use permitted in the Resource Protection District

#### CONDITIONAL USES

1. Offices of contractors and tradesmen<sup>1</sup>
2. Registered dispensary, non-growing<sup>1</sup>
3. Health clubs<sup>1</sup>
4. Private clubs<sup>1</sup>
5. Nursery school<sup>1</sup>
6. Day care center<sup>1</sup>
7. Adult day services<sup>1</sup>
8. Commercial parking lots
9. High voltage transmission lines

Note 1 – Each retail or service establishment or use is limited to a maximum of four thousand five hundred (4,500) square feet of floor area.

## Article 4 - District Regulations

### 410-4D. MU-3 PLANNED MIXED-USE DISTRICT

#### PERMITTED USES

1. Hotels and motels
2. Bed and breakfast establishments
3. Retail businesses with less than 100,000 SF of gross floor area and related outside sales
4. Accessory retail sales of goods manufactured on the premises
5. Artist and craftsman studios
6. Eating establishments
7. Eating and drinking establishments
8. Accessory food service facilities
9. Health and fitness clubs
10. Financial institutions
11. Professional offices
12. Business offices
13. Offices of tradesmen or contractors
14. Personal services
15. Business services
16. Repair services
17. Funeral homes
18. Health care clinics for humans
19. Animal hospitals and veterinarian offices
20. Light assembly in which all activities occur within a fully enclosed building with no exterior storage
21. Outdoor commercial recreational facilities
22. Commercial recreation
23. Indoor recreation/amusement centers
24. Nonprofit recreational uses
25. Public parks and playgrounds
26. Places of public assembly or entertainment as part of a mixed-use building or mixed-use development
27. Places of worship
28. Municipal uses
29. Quasi-municipal or public uses
30. Day care center
31. Adult care services
32. Agriculture
33. Accessory uses
34. Essential services
35. Public utility buildings
36. Any use permitted in the Resource Protection District
37. Mobile home parks in designated Mobile Home Park Overlay Districts

#### CONDITIONAL USES

1. Self-service storage units

#### ADDITIONAL USES PERMITTED ONLY AS PART OF A MASTER PLANNED DEVELOPMENT

The following uses are permitted only as part of a Master Planned Development reviewed and approved by the Planning Board in accordance with the provisions of Section 416:

1. Single family dwellings
2. Two family dwellings
3. Multi-family dwellings
4. Elderly congregate housing
5. Dwelling units as part of a mixed-use building
6. Community living uses
7. Home occupations
8. Home babysitting service
9. Day care home
10. One accessory apartment in a single-family dwelling
11. Research and testing laboratories fully enclosed within a building that are compatible with a mixed-use neighborhood



**410-4D. MU-4 PLANNED LIMITED MIXED-USE DISTRICT**

**PERMITTED USES**

1. Single family dwellings
2. Two family dwellings
3. Community living uses
4. Places of worship
5. Public parks and playgrounds
6. Home babysitting service
7. Day care home
8. One accessory apartment in a single-family dwelling
9. Accessory uses
10. Home occupations
11. Essential services
12. Public utility buildings
13. Any use permitted in the Resource Protection District
14. The reuse of a building existing as of April 1, 2011 for a use that is otherwise permitted only as part of a Master Planned Development

**PERMITTED USES SUBJECT TO A MASTER PLANNED DEVELOPMENT**

The following uses are permitted only as part of a Master Planned Development reviewed and approved by the Planning Board in accordance with the provisions of Section 416:

1. Multi-family housing
2. Elderly congregate housing
3. Nursing homes
4. Health care clinics for humans<sup>1</sup>
5. Professional offices<sup>1</sup>
6. Municipal uses
7. Quasi-municipal or public uses<sup>1</sup>
8. Day care center<sup>1</sup>
9. Adult care services<sup>1</sup>
10. Nonprofit recreational uses<sup>1</sup>

Note 1: This use is allowed only as part of a mixed-use building or development in which the non-residential use occurs in conjunction with a permitted residential use and is accessory and subordinate to the primary residential use.

## Article 4 - District Regulations

### 410-5. B-1 GENERAL BUSINESS DISTRICT

1. Single family dwellings
2. Two family dwellings
3. Elder/Disability Housing Facility  
Elder/Disability Care Facility –  
Limited Service (5/21/12)
4. Multi-family dwellings
5. Home occupations
6. Retail businesses excluding outdoor sales
7. Eating establishments, excluding fast  
food restaurants
8. Eating and drinking establishments
9. Hotels and motels
10. Tourist homes
11. Financial institutions
12. Business offices
13. Professional offices
14. Personal services
15. Business services
16. Repair services
17. Artist or craftsperson studio
18. Health club
19. Office of a contractor or tradesman
20. Funeral homes
21. Health care clinics for humans
22. Veterinarian offices
23. Places of Worship (Amended 7/16/12)
24. Public and private schools
25. Commercial schools
26. Essential services
27. Accessory uses
28. Municipal uses
29. Any use permitted in the Resource  
Protection District
30. Bed and breakfast establishments  
(Amended 9/5/85)
31. Home babysitting service (Amended  
8/1/88)
32. Day care home (Amended 8/1/88)
33. Day care center (Amended 8/1/88)
34. Adult day care center, Type 1 and 2  
(Amended 7/1/91)
35. Nursery school (Amended 7/6/93)
36. Reserved
37. Quasi-public uses
38. One accessory apartment in a single  
family dwelling (Amended 10/20/08)

(Amended 9/5/85; 8/1/88; 7/1/91; 7/6/93; 1/3/95; 4/7/03)

### CONDITIONAL USES

1. Boarding homes
2. Gas stations (Amended 4/7/03)
3. Gasoline sales accessory to a retail  
use (Amended 4/7/03)
4. Auto repair garages
5. Car washes
6. Private clubs
7. Public utility buildings
8. Commercial recreation
9. Quasi-public uses
10. Private clubs
11. Municipal uses not listed under permitted uses
12. Public utility buildings
13. Water recreation including piers, docks, and  
boathouses related thereto
14. Commercial recreation
15. Indoor recreation (Amended 4/7/03)
16. Marinas
17. Commercial fisheries and related sales  
of fresh products
18. High Voltage Transmission Lines (Amended  
12/15/08)
19. Registered dispensary (Amended 7/19/10)
20. Registered dispensary, non-growing  
(Amended 7/19/10)

## Article 4 - District Regulations

### 410-6A. B-2a HIGHWAY BUSINESS DISTRICT

#### PERMITTED USES

1. One single family dwelling on a lot of record
2. One accessory apartment in a single family dwelling
3. Dwelling units above the first floor as part of a mixed use building
4. One caretaker's apartment within a non-residential use
5. Home occupations
6. Hotels and motels
7. Tourist homes
8. Bed and breakfast establishments
9. Retail businesses with less than 40,000 SF of gross floor area and related outside sales
10. Accessory retail sales of goods manufactured on the premises
11. Lumber and material supply yards
12. Artist and craftsperson studios
13. Eating establishments (Amended 4/7/03)
14. Eating and drinking establishments (Amended 4/7/03)
15. Drive through eating establishments (Amended 4/7/03)
16. Accessory food service facilities
17. Health and fitness clubs
18. Private clubs
19. Financial institutions
20. Professional offices
21. Business offices
22. Offices of tradesmen or contractors
23. Personal services
24. Business services
25. Repair services
26. Small engine repair
27. Funeral homes
28. Health care clinics for humans
29. Hospitals
30. Animal hospitals and veterinarian offices
31. Kennels
32. Boarding kennels
33. Research and testing laboratories
34. Wholesale trade and warehouses
35. Any use permitted in the Resource Protection District
36. Essential services
37. Accessory uses
38. Municipal uses
39. Public utility buildings
40. Quasi-public uses
41. Places of Worship (Amended 7/16/12)
42. Public parks & playgrounds
43. Public schools
44. Private schools
45. Commercial schools
46. Nursery school
47. Day care center
48. Adult day care center, Types 1 and 2
49. Agriculture

(Amended 12-5-94, 2/12/02; 4/7/03)

#### CONDITIONAL USES

1. Automobile dealers
2. Auto repair garages
3. Gasoline sales accessory to a retail use
4. Car washes
5. Indoor recreation/amusement centers
6. Outdoor commercial recreational facilities
7. Commercial recreation
8. Campgrounds
9. Contractors
10. Public riding stables
11. Light industry in buildings less than 20,000 square feet with no exterior storage
12. Radio or TV transmission towers
13. High Voltage Transmission Lines (Amended 12/15/08)

## Article 4 - District Regulations

### 410-6B. B-2b HIGHWAY BUSINESS DISTRICT

#### PERMITTED USES

1. Single Family Dwelling
2. Two family dwelling
3. Manufactured housing unit
4. One caretaker's apartment within a non-residential use
5. One accessory apartment in a single family dwelling
6. Home occupations
7. Hotels and motels
8. Tourist homes
9. Bed and breakfast establishments
10. Retail businesses with less than 40,000 SF of gross floor area and related outside sales
11. Accessory retail sales of goods manufactured on the premises
12. Lumber yards and material supply yards
13. Artist and craftsperson studios
14. Eating establishments (Amended 4/7/03)
15. Eating and drinking establishments (Amended 4/7/03)
16. Drive through eating establishments (Amended 4/7/03)
17. Accessory food service facilities
18. Health & fitness clubs
19. Private clubs
20. Financial institutions
21. Professional offices
22. Business offices
23. Offices of tradesman or contractors
24. Personal services (Amended 12/5/94)
25. Business services
26. Repair services
27. Small engine repair (Amended 4/7/03)
28. Funeral homes
29. Health care clinics for humans
30. Hospitals
31. Animal hospitals and veterinarian offices
32. Kennels
33. Boarding kennels
34. Any use permitted in the Resource Protection District
35. Research and testing laboratories
36. Wholesale trade and warehouses
37. Essential services
38. Accessory uses
39. Municipal uses
40. Public utility buildings
41. Quasi-public uses
42. Places of Worship (Amended 7/16/12)
43. Public parks and playgrounds
44. Public schools
45. Private schools
46. Commercial schools
47. Nursery school
48. Home babysitting service
49. Day care home
50. Day care center
51. Adult day care center, Types 1 and 2
52. Agriculture
53. Elder/Disability Housing Facility (5/21/12)
54. Elder/Disability Housing Facility – Limited Service (5/21/12)
55. Elder/Disability Care Facility – Full Service (5/21/12)

#### CONDITIONAL USES

1. Multi-family dwelling
2. Automobile dealers
3. Auto repair garages
4. Gas stations
5. Gasoline sales accessory to a retail use
6. Car washes
7. Indoor recreation/amusements centers
8. Outdoor commercial recreational facilities
9. Commercial recreation
10. Campgrounds
11. Public riding stables
12. Contractors
13. Light industry in buildings less than 20,000 square feet with no exterior storage
14. Radio or TV transmission towers
15. High Voltage Transmission Lines (Amended 12/15/08)
16. Registered dispensary (Amended 7/19/10)
17. Registered dispensary, grow-only (Amended 7/19/10)
18. Registered dispensary, non-growing (Amended 7/19/10)

## **410-6. B-2c and B-2d HIGHWAY BUSINESS DISTRICT**

### PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Dwellings above the first floor in a mixed-use building
4. Home occupations
5. Retail businesses
6. Eating establishments (Amended 4/7/03)
7. Eating and drinking establishments (Amended 4/7/03)
8. Hotels and motels
9. Places of worship
10. Financial institutions
11. Personal services
12. Business services
13. Offices
14. Research and testing laboratories
15. Wholesale trade and warehouses
16. Hospitals and clinics for humans
17. Animal hospitals and veterinarian offices
18. Quasi-municipal or public uses
19. Private and commercial schools
20. Private clubs
21. Municipal uses
22. Essential services
23. Public utility buildings
24. Elder/Disability Care Facility – Full Service (5/21/12)
25. Any use permitted in the Resource Protection Dist.
26. Bed and breakfast establishments (Amended 9/5/85)
27. Accessory Uses (Amended 9/5/85)
28. Repair services
29. Funeral homes (Amended 6/4/87)
30. Home babysitting service (Amended 8/1/88)
31. Day care home (Amended 8/1/88)
32. Day care center (Amended 8/1/88)
33. Adult day services
34. Nursery School (Amended 7/6/93; 1/3/95)
35. One accessory apartment in a single family dwelling (Amended 10/20/08)
36. Elder/Disability Housing Facility (5/21/12)
37. Elder/Disability Housing Facility – Limited Service (5/21/12)
38. Offices of contractors or tradesmen

### CONDITIONAL USES

1. Multifamily dwellings
2. Health club
3. Boarding houses
4. Amusement centers
5. Commercial recreation
6. Masonry supply yards
7. Indoor recreation
8. Gas stations in B-2c only
9. Auto repair garages in B-2c only
10. Car washes in B-2c only
11. Small engine repair (Amended 4/7/03)
12. High Voltage Transmission Lines (Amended 12/15/08)
13. Campgrounds in B-2c only, existing as of April 15, 2012 (Amended 8/6/12)

#### **410-7. B-3 DOWNTOWN BUSINESS DISTRICT**

(See also special size limitations in portion of B-3 district, Section 733-1)

##### PERMITTED USES

- |  |   |
|--|---|
| 1. Multifamily dwellings   | 20. Private clubs   |
| 2. Elder/Disability Housing Facility and Elder/Disability Housing Facility – Limited Service (5/21/12)           | 21. Health and fitness clubs (Amended 4/7/03)   |
| 3. Home occupation   | 22. Essential services  |
| 4. Retail businesses excluding outdoor sales   | 23. Public utility buildings  |
| 5. Eating establishments except those listed as conditional uses and excluding drive-in service (Amended 4/7/03) | 24. Municipal uses  |
| 6. Eating and drinking establishments (Amended 4/7/03)   | 25. Quasi-public uses   |
| 7. Business offices (Amended 4/7/03)   | 26. Accessory uses  |
| 8. Professional offices (Amended 4/7/03)   | 27. Funeral homes   |
| 9. Offices of contractors and tradesmen (Amended 4/7/03)   | 28. Any use permitted in the Resource Protection District   |
| 10. Financial institutions   | 29. Bed and breakfast establishments (Amended 9/5/85)   |
| 11. Business services  | 30. Home babysitting service (Amended 8/1/88)   |
| 12. Personal services (Amended 12/5/94)  | 31. Day care home (Amended 8/1/88)  |
| 13. Repair services (Amended 4/7/03)   | 32. Day care center (Amended 8/1/88)  |
| 14. Artist or craftsperson studios (Amended 4/7/03)  | 33. Single family dwellings (Amended 4/3/89)  |
| 15. Reserved (Amended 3/1/10)  | 34. Two family dwellings (Amended 4/3/89)   |
| 16. Tourist homes  | 35. Adult day care center, Type 1 and 2 (Amended 7/1/91)  |
| 17. Health care clinics for humans (Amended 4/7/03)  | 36. Nursery School (Amended 7/6/93)   |
| 18. Places of Worship (Amended 7/16/12)  | 37. One accessory apartment in a single family dwelling (Amended 10/20/08)                          |
| 19. Commercial schools   | 38. Drive-in windows are permitted only in association with financial institutions (Amended 3/1/10) |

##### CONDITIONAL USES

1. Commercial recreation
2. Indoor recreation (Amended 4/7/03)
3. Fast food restaurants, excluding drive through service (Amended 4/7/03)
4. Elder/Disability Care Facility – Full Service (5/21/12)
5. Drinking establishments (Amended 3/7/94; 4/7/03)
6. Commercial parking lots
7. Marinas (Amended 10/16/85)
8. Water recreation including piers, docks and boathouses related thereto (Amended 10/16/85)
9. High Voltage Transmission Lines (Amended 12/15/08)
10. Hotels and motels (Amended 3/1/10)
10. Registered dispensary (Amended 7/19/10)
11. Registered dispensary, grow-only (Amended 7/19/10)
12. Registered dispensary, non-growing (Amended 7/19/10)

**410-8. B-4 PLANNED DEVELOPMENT DISTRICT**

**PERMITTED USES**

1. Planned developments, pursuant to the procedures and standards contained in Section 706 of this Ordinance
2. Any use permitted in the Resource Protection District
3. Home babysitting service (Amended 8/1/88)
4. Day care home (Amended 8/1/88)
5. Day care center (Amended 8/1/88)
6. Adult day care center, Type 1 and 2 (Amended 7/1/91)
7. Accessory Uses (Amended 6/29/92)
8. Passenger Train Station (Amended 6/29/92)
9. Marinas (Amended 6/2/08)

**CONDITIONAL USES**

1. High Voltage Transmission Lines (Amended 12/15/08)

## **410-9. B-5 MARINE BUSINESS AND RESIDENTIAL**

### **PERMITTED USES**

1. Single family dwellings
2. Two family dwellings
3. Home occupations
4. Retail uses
5. Eating establishments without drive through service (Amended 4/7/03)
6. Eating and drinking establishments (Amended 4/7/03)
7. Places of Worship (Amended 7/16/12)
8. Small non-residential facilities for educational, scientific or natural interpretation
9. Essential services
10. Public parks and playgrounds
11. Quasi-public uses
12. Municipal uses
13. Public utility buildings
14. Bed and breakfast establishments
15. Artist or craftsperson studios (Amended 4/7/03)
16. Wholesale fish and seafood sales
17. Excursion and charter boat terminals
18. Offices for the marine patrol, the harbormaster, and other enforcement and management personnel
19. Parking lots
20. Boat building and repair facilities (subject to site plan review, regardless of size)
21. Marinas, piers, docks, boathouses and port facilities (subject to site plan review, regardless of size)
22. Home babysitting service
23. Day care home
24. Adult day care center, Type 1 and 2 (Amended 7/1/91)
25. Nursery school (Amended 7/6/93)
26. One accessory apartment in a single family dwelling (Amended 10/20/08)
27. Accessory uses (Amended 12/1/08)

### **CONDITIONAL USES**

1. High Voltage Transmission Lines (Amended 12/15/08)



**410-9-A.. B-6 HIGHWAY BUSINESS AND COMMERCIAL DISTRICT** (Amended 2/12/02, 1/6/93, 12/5/94, 3/2/92, 2/19/02, 4/7/03)

**PERMITTED USES**

1. One Single family dwelling on a lot of record
2. Dwelling units above the first floor as part of a mixed use building
3. One caretaker's apartment within a non-residential use
4. Home occupations
5. Hotels and motels
6. Retail businesses with less than 40,000 S.F. of gross floor area and related outdoor sales
7. Accessory retail sales of goods manufactured on the premises
8. Lumber yards and material supply yards
9. Artist and crafts person studios
10. Eating establishments (Amended 4/7/03)
11. Eating and drinking establishments (Amended 4/7/03)
12. Drive through eating establishments (Amended 4/7/03)
13. Health and fitness clubs
14. Private clubs
15. Financial institutions
16. Professional offices
17. Offices of tradesman and contractors
18. Personal services (Amended 12/5/94)
19. Business services
20. Repair services
21. Small engine repair (Amended 4/7/03)
22. Offices
23. Funeral homes
24. Health care clinics for humans
25. Hospitals
26. Animal hospitals and veterinarian offices
27. Kennels
28. Boarding kennels
29. Research and testing laboratories
30. Wholesale trade and warehouses
31. Contractors
32. Any use permitted in the Resource Protection District
33. Essential services
- 34.
35. Accessory uses
36. Municipal uses
37. Public utility buildings
38. Quasi-public uses
39. Places of Worship (Amended 7/16/12)
40. Public parks and playgrounds
41. Public schools
42. Private schools
43. Commercial schools
44. Nursery School
45. Home babysitting service
46. Day care home
47. Day care center
48. Adult day care centers, Types 1 and 2.
49. Agriculture without animal husbandry
50. One accessory apartment in a single family dwelling (Amended 10/20/08)

**CONDITIONAL USES**

1. Automobile dealers
2. Automobile repair garages
3. Gas stations
4. Gasoline sales accessory to a retail use
5. Car washes
6. Indoor recreation/amusement centers
7. Enclosed sports areas
8. Outdoor commercial recreational facilities
9. Commercial recreation
10. Campgrounds
11. Light Industry
12. Radio and TV antennas
13. High Voltage Transmission Lines (Amended 12/15/08)
14. Registered dispensary, grow-only (Amended 7/19/10)

**410-9-B, B-7 LIMITED BUSINESS/ RESIDENTIAL DISTRICT**

**PERMITTED USES**

1. Single family dwellings
2. Two family dwellings
3. Multi-family dwellings
4. Elder/Disability Housing Facility  
Elder/Disability Housing Facility – Limited Service (Amended 5/21/12)
5. Adult day care center, Types 1 and 2
6. Bed and breakfast establishments
7. Home babysitting service, day care center, day care home
8. Home occupations
9. Personal services, except laundromats and dry cleaners
10. Nursery schools
11. Public and private schools
12. Accessory uses
13. Municipal uses
14. Offices
15. Quasi-public uses
16. Artist and craftsperson Studios (Amended 1/17/85)
17. One accessory apartment in a single family dwelling (Amended 10/20/08)

**CONDITIONAL USES**

1. Funeral homes
2. Boarding houses
3. Community living uses
4. Elder/Disability Care Facility – Full Service (Amended 5/21/12)
5. Financial institutions
6. Retail businesses except alcohol sales (limited to 1,500 square feet.)
7. High Voltage Transmission Lines (Amended 12/15/08)

**410-10. BP BUSINESS PARK DISTRICT** (Amended 2/19/02; 4/7/03)

**PERMITTED USES**

1. One single family dwelling on a lot of record
2. One accessory apartment in a single family home
3. Home occupations
4. Hotels and motels
5. Accessory retail sales of goods manufactured on the premises
6. Eating establishments (Amended 4/7/03)
7. Eating and drinking establishments (Amended 4/7/03)
8. Accessory food service facilities
9. Health and fitness clubs
10. Financial institutions
11. Professional offices
12. Business offices
13. Business services
14. Health care clinics for humans
15. Research and testing laboratories
16. Any use permitted in the Resource Protection District
17. Essential services
18. Accessory uses
19. Municipal uses
20. Public utility buildings
21. Quasi-public uses
22. Public parks and playgrounds
23. Commercial schools
24. Nursery schools
25. Day care centers
26. Adult day care, Types 1 and 2
27. Agriculture

**CONDITIONAL USES**

1. Fully enclosed light industry with no exterior storage
2. Wireless Telecommunication Facilities (Amended 10/21/02)
3. High Voltage Transmission Lines (Amended 12/15/08)

**410 - 10B. B-8 OFFICE PARK DISTRICT (Amended 9/4/12)**

**PERMITTED USES**

1. Dwelling units only as part of a mixed-use building or mixed-use development<sup>1</sup>
2. Multifamily housing only as part of a mixed-use building or mixed-use development<sup>1</sup>
3. Elderly congregate housing
4. Nursing homes
5. Home occupations
6. Eating establishments
7. Eating and drinking establishments
8. Hotels
9. Business offices
10. Professional offices
11. Financial institutions
12. Business services
13. Research and testing laboratories fully enclosed within a building
14. Personal services
15. Health clubs
16. Health care clinics for humans
17. Hospitals
18. Day care center
19. Adult care services
20. Places of worship
21. Municipal uses
22. Quasi-municipal or public uses
23. Private schools
24. Public utility buildings
25. Essential services
26. Accessory uses
27. Any use permitted in the Resource Protection District

Note 1: The total floor area devoted to all residential uses shall not exceed thirty (30) percent of the total floor area of the mixed-use building or mixed-use development in which the residential use is located.

**CONDITIONAL USES**

1. Commercial schools
2. Light industry in which all activities occur within a fully enclosed building
3. Places of public assembly or entertainment as part of a mixed-use building or mixed-use development
4. Indoor Recreation
5. High voltage transmission lines
6. Convenience retail uses only within a mixed-use building and limited to a maximum of 1,000 square feet of floor area

**410-11. I-1 INDUSTRIAL PARK DISTRICT** (Amended 8/1/88, 11/17/88, 3/2/92, 7/6/93, 11/7/94, 2/19/02)

**PERMITTED USES**

1. Hotels and motels
2. Supply Yards
3. Parking Lots as an accessory use to abutting lots in the B-6 zone
4. Off-site parking for uses located within the district (Amended 11-7-94)
5. Health Club
6. Financial Institutions
7. Business offices
8. Business services
9. Hospitals and Clinics for humans
10. Research and testing labs
11. Wholesale trade and warehousing
12. Distribution
13. Truck Terminal
14. Light Industry
15. Any use permitted in the Resource Protection District
16. Essential services
17. Accessory uses
18. Municipal Uses
19. Public Utility Buildings
20. Public and private schools
21. Commercial schools
22. Nursery School
23. High Voltage Transmission Lines (Amended 12/15/08)

**CONDITIONAL USES**

1. Heavy Industry
2. Recycling Center
3. Waste Composting Facility
4. Day Care Center
5. Wireless Telecommunication Facilities (Amended 10/21/02)
7. Registered dispensary, grow-only (Amended 7/19/10)
8. Addiction Treatment Facility (Amended 12/6/10)

**410-12. I-2 INDUSTRIAL BUSINESS DISTRICT** (ed. note: includes I-2b district at former Maine Turnpike Exit 5) (Amended 8/1/88, 9/19/88, 3/2/92, 3/16/92, 4/1/91, 6/4/91, 7/6/93, 7/6/93, 2/28/94, 2/19/02, 5/21/12)

#### PERMITTED USES

1. Hotels and motels
2. Retail uses (I-2b only)
3. Accessory uses, including eating establishments associated with hotels and motels
4. Teen Center
5. Financial institutions
6. Business offices
7. Business services
8. Hospitals and clinics for humans
9. Research and testing labs
10. Light Industry
11. Any use permitted in the Resource Protection District
12. Essential services
13. Municipal Uses
14. Recycling center
15. Nursery School
16. Adult day care center, Type 1 and 2
17. Municipal animal incinerator
18. Enclosed Sports Arena
19. High Voltage Transmission Lines (Amended 12/15/08)
20. Commercial School
21. Elder/Disability Housing Facility-Limited Service (5/21/12)
22. Elder/Disability Care Facility – Full Service (5/21/12)
23. Elder/Disability Housing Facility (in conjunction with uses 21 or 22) (5/21/12)
24. Places of Worship (Amended 7/16/12)

#### CONDITIONAL USES

1. Self-service storage units (Amended 10/2/86)
2. Distribution (including not more than 10% of gross floor space for retail purposes)
3. Public and private schools
4. Day Care Centers
5. Registered dispensary, grow-only (Amended 7/19/10)
6. Addiction Treatment Facility (Amended 12/6/10)
7. Car washes in I-2 only (not to include I-2b) (Amended 11/5/12)

**410-13 I-3 LIGHT INDUSTRIAL BUSINESS PARK DISTRICT** (Amended 2/19/02; 4/7/03)

**PERMITTED USES**

1. Hotels and motels
2. Accessory retail sales of goods manufactured on the premises
3. Eating establishments (Amended 4/7/03)
4. Eating and drinking establishments (Amended 4/7/03)
5. Accessory food service facilities
6. Financial institutions
7. Business offices
8. Offices of tradesmen or contractors
9. Business services
10. Repair services
11. Research and testing laboratories/labs
12. Wholesale trade and warehouses
13. Contractors
14. Light industry
15. Any use permitted in the Resource Protection District
16. Essential services
17. Accessory uses
18. Municipal uses
19. Public utility buildings
20. Quasi-public uses
21. Public parks and playgrounds
22. Public schools
23. Private schools
24. Commercial schools
25. Nursery schools
26. Day care centers
27. Agriculture
28. High Voltage Transmission Lines (Amended 12/15/08)

**CONDITIONAL USES**

1. Automobile dealers
2. Indoor recreation/amusement centers
3. Health and fitness clubs
4. Distribution facilities
5. Radio & TV transmission towers
6. Wireless Telecommunication Facilities (Amended 10/21/02)
7. Registered dispensary, grow-only (Amended 7/19/10)

## **410-14. C-1 CONSERVATION DISTRICT**

### **PERMITTED USES (Amended 11/5/01)**

1. Agriculture
2. Public parks and playgrounds
3. Cemeteries
4. Single family dwellings
5. Two family dwellings
6. Clustered residential projects
7. Manufactured housing units
8. Essential services
9. Kennels, except within shoreland areas as defined in Article 7.1 of this Ordinance
10. Commercial greenhouses and nurseries
11. Places of Worship (Amended 7/16/12)
12. Accessory uses
13. Any use permitted in the Resource Protection District
14. Home babysitting service (Amended 8/1/88)
15. Day care home (Amended 8/1/88)
16. Adult day care center, Type 1 (Amended 7/1/91)
17. Agriculturally related business uses (Amended 11/5/01)
18. The processing and/or sale of agricultural products raised on the premises (Amended 11/5/01)
19. Timber harvesting (Amended 11/5/01)
20. One accessory apartment in a single family dwelling (Amended 10/20/08)

### **CONDITIONAL USES (Amended 11/5/01)**

1. Home occupations
2. Bed and Breakfast Establishments (Amended 12/7/92, 11/5/01)
3. The commercial processing of wood including cutting, sawing, splitting and chipping (Amended 11/5/01)
4. Outdoor commercial recreational facilities involving limited structural development (Amended 11/5/01)
5. Farm stands subject to the standards of Section 725 (Amended 11/5/01)
6. Golf Courses subject to Section 722
7. Campgrounds
8. Water recreation, including piers, docks, and boathouses related thereto
9. Hospitals and clinics for humans, except within shoreland areas as defined in Article 7.1 of this Ordinance
10. Boarding kennels, except within shoreland areas as defined by Article 7.1 of this Ordinance
11. Public riding stables (Amended 10/20/93)
12. Extractive industry, except within shoreland areas as defined by Article 7.1 of this Ordinance
13. Municipal uses
14. Nursery School (Amended 7/6/93)
15. Day care center (Amended 8/1/88)
16. Adult day care center, Type 2 (Amended 7/1/91)
17. The reuse of existing agricultural buildings subject to the standards of Section 725
18. High Voltage Transmission Lines (Amended 12/15/08)



## **410-15. RP RESOURCE PROTECTION DISTRICT**

### **PERMITTED USES (Amended 4/5/02)**

1. The harvesting of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, but not including any extractive industry or activity
2. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking
3. Wildlife management
4. Hiking trails, snowmobile trails, bridle paths and similar facilities
5. Parks and picnic areas of primarily undeveloped, natural character
6. Motorized vehicular traffic on existing roads
7. Forest management activities except for timber harvesting
8. Clearing of vegetation for approved construction and other allowed uses<sup>1</sup>
9. Fire prevention activities
10. Soil and water conservation practices
11. Surveying and resource analysis
12. Emergency operations
13. Selective timber harvesting according to a plan approved by a forester registered in the State of Maine on a non-commercial basis.<sup>1</sup>
14. Structures accessory to allowed uses
15. Temporary piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland<sup>1</sup>
16. Private sewage disposal systems for allowed uses
17. Service drops for allowed uses
18. Filling and earthmoving of < 10 cubic yards<sup>1</sup>
19. Agriculture<sup>2</sup>

<sup>1</sup> Subject to obtaining a shoreland permit from the Code Enforcement Officer

<sup>2</sup> Subject to obtaining a shoreland permit from the Code Enforcement Officer, to include submission of a management plan filed with either the Natural Resources Conservation Service or the York County Soil and Water Conservation District.

### **CONDITIONAL USES (Amended 4/5/02)**

1. Small non-residential facilities for educational, scientific or natural interpretation purpose
2. Recreation uses involving minimal structural development, such as golf courses, tennis courts, playing fields and similar uses where water quality would not be adversely affected and potential for flood damage could be minimal
3. Small non-residential structures accessory to permitted or conditional uses
4. Essential services
5. Water recreation facilities
6. Aquaculture
7. Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland
8. Parking facilities accessory to allowed uses
9. Filling and earthmoving of > 10 cubic yards
10. High Voltage Transmission Lines (Amended 12/15/08)

#### **410-16. SACO RIVER OVERLAY DISTRICT**

##### **PERMITTED USES**

Any use that is a permitted use in the underlying City zoning district that is also an allowed use at that specific location under the Saco River Corridor Commission's regulations is a permitted use, but is subject to the requirements of Article 7.1 and the performance standards of the Saco River Corridor Commission.

##### **CONDITIONAL USES**

Any use that is a conditional use in the underlying City zoning district that is also an allowed use at that specific location under the Saco River Corridor Commission's regulations is a conditional use, but is subject to the requirements of Article 7.1 and the performance standards of the Saco River Corridor Commission.

#### **410-17. SHORELAND OVERLAY DISTRICT**

##### **PERMITTED USES**

Any use that is a permitted use in the underlying City zoning district is a permitted use but is subject to the requirements of Article 7.1.

##### **CONDITIONAL USES**

Any use that is a conditional use in the underlying City zoning district is a conditional use but is subject to the requirements of Article 7.1.

#### **410-18. MHP MOBILE HOME PARK OVERLAY DISTRICT**

##### **PERMITTED USES**

Mobile home parks. Once a mobile home park is approved by the Planning Board, the uses in the parks are limited to the following permitted and conditional uses:

##### **PERMITTED USES**

1. Accessory uses
2. Home babysitting service
3. Parks and playgrounds (Amended 5/9/90)

##### **CONDITIONAL USES**

1. Home occupations
2. Day care home

### **Section 411. Prohibited Industrial Uses**

The following uses and similar uses are not included under the definition of heavy industry or any other use in this zoning ordinance and are excluded from all districts because they have strong potential to be injurious, noxious, or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration, radioactivity, noise or other byproducts, and are deemed to be unacceptable for one or more of the above causes.

- Blast furnace, metal or ore reduction or smelting;
- Coke manufacture;
- Petroleum refining;
- Animal rendering plants;
- Nuclear power production facilities;
- Industries with high level radiation hazards;
- Nuclear waste disposal;
- Petroleum and petroleum product tank farms;
- Ammonia, chlorine manufacture, or the refining of hydrochloric, nitric, picric, sulfuric, sulphurous or similar acid manufacture. (Amended 3/2/92)

#### **Footnotes to Table 412-1.**

1. Zero if with party wall; otherwise 15 feet minimum (Amended 1/3/95)
2. Zero if with party wall; otherwise 10 feet minimum (Amended 1/3/95)
3. Applies to lots involving development of buildings or structures
4. Where a lot fronts on a cul-de-sac, these minimums shall be measured at the front yard setback line
5. Along the Saco River, the aggregate of river frontage plus setback shall equal 500 feet, with a minimum setback of 100 feet. Setback provisions do not apply to structures which require direct access to the water as an operational necessity, such as piers and docks.
6. (Reserved) (Amended 1/3/95)
7. For religious conference centers density shall be governed on the basis that three bedrooms equal one dwelling unit, or for common sleeping areas, four beds equals one dwelling
8. In the Historic Preservation District only, the setbacks for new buildings (and additions) described in F (2) and F (3) shall be the same as in Row E above. Existing buildings are not required to conform to setbacks. For new parking areas, existing parking areas to be enlarged by five or more spaces, and new access drives as described in F(1), the setbacks shall be 10 feet. Existing parking areas and access drives do not require setbacks. For both new and existing parking areas, the Planning Board may impose conditions of approval including plantings, fences, earth berms, and other screens and buffers, to assure that adequate protection of nearby uses is provided. Nothing in this section shall be interpreted to prohibit shared parking on adjoining lots when permitted. (Amended 7/1/91)
9. Except for single-family houses in sewerage areas, the minimum lot size for which is 10,000 sq. ft. in the B-2a and 7,500 sq ft. in the B-2b. (Amended 3/2/92)
10. Special street frontages for single-family houses:
  - (1) B-2a sewerage, 100 feet
  - (2) B-2b sewerage, 75 feet
  - (3) B-2b unsewerage, 100 feet
11. B-2a, B-2b, B-6, and BP Setbacks:
  - (1) 75 feet for lots with frontage on Route 1
  - (2) 40 feet for lots fronting elsewhere in the district. (Amended 3/2/92, 2/19/02)
12. Street frontage may be reduced to 50 feet for lots that have their frontage and primary vehicular access from a

collector or local street, or in the case of arterial streets, no more than one such reduced frontage in each 500 feet of frontage. The lot shall be at least as wide at a potential building site as the frontage measurement required in the district. (Amended 4/2/2001)

13. Notwithstanding the minimum lot size and minimum lot area per dwelling unit requirements shown on Table 412-1, any residential lot that uses subsurface waste disposal system for on-site sewage disposal and any portion of which is located over a mapped sand and gravel aquifer as shown on the map Significant Sand and Gravel Aquifers - 1998 published by the Maine Geological Survey shall have a minimum lot area per dwelling unit of forty thousand (40,000) square feet. (Amended 4/19/02)
14. See definition of shed for special setbacks for certain small sheds in certain districts. (4/7/03)
15. All development in the MU-1 district including the alteration, reconstruction, or expansion of existing buildings is subject to the additional requirements of Section 729. (10/3/11)
16. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 2 bedrooms and less than 800 s.f. of total floor area, the requirement is 1,400 s.f. of lot area per unit and for dwelling units with more than 2 bedrooms or more than 800 s.f. of total floor area regardless of the number of bedrooms, the requirement is 2,000 s.f. of lot area per unit.
17. Notwithstanding the Minimum Lot Area Per Dwelling Unit Requirements set out in the table, the minimum lot area per dwelling unit requirement for Elder/Disability Housing Facilities and for Elder/Disability Care Facilities – Limited Service that is served by public sewer shall be:
  - 2,000 square feet in the R-1, R-2, R-4, B-7, B-2b, B-2c, B-2-d, B-7 and I-2 Districts
  - 1,000 square feet in the R-3, B-1, B-3, B-9, MU-1 and MU-2 DistrictsIf not served by public sewer the density shall be the same as for multifamily housing, if permitted. (5/21/12)
18. Reserved.
19. The building must maintain the established relationship of the front walls of buildings to the street for the block in which it is located. The front wall of a new building must be located within +/- five (5) feet of the average of the front setbacks for the existing principal buildings in the same zone facing the same street in the block in which the building is located. Existing buildings that are set back significantly further from the front lot line than the pattern of the block should be excluded from the calculation. Except for single-family and two-family dwellings where parking is provided in a residential driveway, off-street parking must be located to the side or rear of the building and no parking shall be located in the area between the front wall of the principal building and the front property line extending the entire width of the lot. These requirements do not apply if the building is part of a multi-unit residential project approved by the Planning Board in accordance with Section 729. (Amended 11/16/11)
20. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 1 bedroom and less than 600 s.f. of total floor area, the requirement is 3,000 s.f. of lot area per unit and for dwelling units with more than 1 bedroom or more than 600 s.f. of total floor area regardless of the number of bedrooms, the requirement is 4,000 s.f. of lot area per unit. (Amended 11/16/11)
21. The side yard and rear yard shall be a minimum of 25 feet for multifamily buildings or for other principal buildings that are part of a multi-unit residential project if the building is adjacent to a lot line that is shared with a residential lot that is not part of the project unless a different setback is approved by the Planning Board in accordance with Section 729. (Amended 11/16/11)
22. In the B-2c, the minimum front yard may be reduced to 25' for buildings that front on North Street west of the Industrial Park Road. (Amended 9/4/12)
23. The maximum height of a non-commercial barn or similar structure in the C-1, B-2a, B-2b and BP zones shall be 50 feet. The barn or similar structure shall have a sideyard and rearyard setback equal to 105% of its height. Vegetative screening that provides a visual buffer sufficient to minimize impact on abutting properties may be required by either Planning Board or City staff. At a minimum, the screening shall include a dense evergreen hedge six feet or more in height. All such plantings shall be maintained as an effective visual screen; plants that die shall be replaced within one growing season. (Amended 3/4/13)

\* To be determined as part of subdivision and site plan review procedures

**Mobile Home Park Overlay District**  
**Minimum Lot and Yard Requirements**  
**Table 412-2.**

A. MINIMUM LOT AREA (Sq. Ft.)	
(1) sewerer	6,500
(2) unsewered	20,000
(3) with central system approved by Maine Department of Human Services, Saco Plumbing Inspector & Planning Board*	12,000
B. MINIMUM LOT AREA/DWELLING UNIT (Sq. Ft.)	
(1) sewerer	6,500
(2) unsewered	20,000
(3) with central system approved by Maine Department of Human Services, Saco Plumbing Inspector & Planning Board	12,000
C. MINIMUM STREET FRONTAGE (Feet)	
(1) sewerer	65
(2) unsewered	100
(3) with central system approved by Maine Department of Human Services, Saco Plumbing Inspector & Planning Board	75
D. MINIMUM DEPTH FRONT YARD ON PRIVATE STREETS (Feet)	
(1) lots smaller than 10,000 square feet	10
(2) lots larger than 10,000 square feet	15
E. MINIMUM DEPTH FRONT YARD ON PUBLIC STREETS (Feet)	20
F. MINIMUM WIDTH SIDE AND REAR YARDS (Feet)	
(1) lots smaller than 10,000 square feet	10
(2) lots larger than 10,000 square feet	15
G. MAXIMUM LOT COVERAGE (%)	30
H. MAXIMUM HEIGHT (Feet)	35

\* The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.

(Amended 5/9/90)

## **Section 412. Lot and Yard Requirements**

### **412-1. MINIMUM LOT AND YARD REQUIREMENTS**

The minimum lot area, minimum lot area/dwelling unit, minimum street frontage, minimum depth of front yard, minimum width of side yard and rear yard, minimum setback from normal high water marks, maximum lot coverage, and maximum height for each district shall be as shown in Table 412-1. "Minimum Lot and Yard Requirements."

### **412-2. CORNER AND DOUBLE FRONTAGE LOTS**

Lots which abut public streets or other ways on more than a single side shall provide a required minimum depth for a front yard along at least two of the abutting streets. Minimum side yard and rear yard depth shall be provided along all other sides.

### **412-3. MAINTENANCE OF MINIMUM YARD REQUIREMENTS**

All structures, whether attached to principal structures or not, and whether open or enclosed, including porches, car ports, balconies or platforms above normal grade level, shall not project into or otherwise lessen the required minimum front, rear or side yards. Driveways and parking spaces may be considered as part of side or rear yard set back requirements, provided that no vehicle is parked closer than five feet from the lot line or as required in Table 412-1, whichever is greater.

### **412-4. WAIVER OF MINIMUM LOT AND YARD REQUIREMENTS**

The Building Inspector shall be authorized to waive minimum yard requirements, and to issue a building permit without a variance, under the following circumstances only:

- 1) Unenclosed, roofed structures (such as porches and carports,) which are lawfully existing upon the date of adoption of this Ordinance, shall be permitted to be enclosed provided that the new walls will not extend closer to the lot line than the existing roof, and that they shall be not less than five feet from any lot lines.
- 2) Along existing residential streets which were developed prior to enactment of the present front yard requirements, a single family detached dwelling, a two-family dwelling, or an addition to either, other than a garage or car port, may be permitted to be built with a front setback equal to the average front setbacks of the existing houses on the immediately adjacent lots. However, in no case shall new construction be allowed closer than 15 feet from the front lot line, without a variance. (Amended 1/3/95)

### **412-5. WAIVER OF MAXIMUM HEIGHT REQUIREMENTS**

The Building Inspector may authorize a height in excess of thirty-five (35) feet if the structure is any of the following and does not constitute a hazard to an established airport or neighboring properties: television and radio towers; church spires; belfries; monuments; tanks; water and fire towers; stage towers and scenery lofts; amusement park rides; silos; cooling towers; ornamental towers; spires; chimneys; elevator bulkheads; smokestacks; conveyors; flagpoles; and windmills. Such projections in height as may apply shall be properly identified for aircraft. All such structures shall be set back

from the property lines a distance at least equal to their height, except in the B-6, B-2a, B2-b, I-2 and I-2 districts. (Amended 6/19/95)

#### 412-6. CONVERSIONS OF DWELLINGS OR STRUCTURES TO MULTIFAMILY USE

Notwithstanding provisions of Article V of this Ordinance, dwellings or structures converted to multifamily use shall comply with the minimum lot area and minimum lot area per dwelling unit requirements in Table 412-1, Lines A and B. These two requirements may be waived only by a variance from the Zoning Board of Appeals pursuant to the standards of Section 902 of this Ordinance. If a building which is non-conforming with respect to any other standard of Table 412-1 is proposed for conversion to multifamily in any district where multifamily is permitted or conditional, the conversion shall be considered a conditional use, subject to the conditional use standards of Section 901-4, and subject to a finding by the Planning Board that this non-conformance does not cause the use to violate any of the conditional use standards or special standards of Article 7 for certain conditional uses. (Amended 10/4/93)

#### 412-7. BACK LOTS

One new back lot may be created from any lot of record which conforms to the lot requirements of Table 412-1 except for the lot frontage requirement, and which existed on July 17, 1989, provided that:

- a. The back lot and front lot each will be the site of no more than one principal structure containing one or two dwelling units. Uses are limited to single family and two family dwellings for both the back lot and front lot.
- b. The back lot and front lot will conform to the minimum lot area and minimum lot area per dwelling unit required in the district.
- c. The back lot is at least as wide at the site of the proposed dwelling as the frontage measurement required in the district.
- d. The back lot has a deeded access to a publicly accepted street. This access may be obtained by way of an at least twenty (20) foot wide right-of-way across the front lot that is deeded to the owner of the back lot or by the extension of the back lot to the public street so that the back lot has at least twenty-five (25) feet of frontage on the street. The creation of the back lot shall not make the front lot more non-conforming in street frontage or make the front lot non-conforming with respect to street frontage if it is conforming. The back lot and the front lot shall share the same driveway entrance if access to the back lot is obtained through a right-of-way or the street frontage of the front lot is located on a road functionally classified as an arterial or collector or defined as part of the Rural Road Network as shown on Figure 10.1 of the 1999 Update of the Comprehensive Plan, except in cases where it is not possible because of the location of the existing structure on the lot or because of difficult terrain.

- e. Each dwelling unit on the back lot is served by a residential sprinkler system meeting the requirements of NFPA and approved by the Saco Fire Department or each dwelling unit is less than five hundred (500) feet from a public road or less than a thousand (1,000) feet from a hydrant approved by the Fire Department. These measurements shall be made along the driveway and roadway, not cross-country.
- f. The back lot is accessed by a 12-foot wide driveway for one dwelling unit, or a 16-foot wide driveway for two dwelling units. The portion of the driveway which serves only the last dwelling unit may be reduced to 12 feet. (If the road is curved additional width may be required by the Fire Department to allow for the safe passage of emergency vehicles.) The driveway shall be built with at least 12 inches of sub base gravel and three inches of base gravel. Drainage shall be provided in accordance with Section 805 and ditches and culverts shall be located at appropriate points as approved by the Public Works Department or City Engineer. The grade of the driveway shall not exceed 10 percent.
- g. A turnaround area approved by the Fire Department shall be provided for public safety vehicles.
- h. Street numbering shall be approved by the city's emergency departments and the Assessor. A sign or mailbox clearly stating the street number shall be posted at the street before occupancy.
- i. If a public sewer line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the sewer when the house is built. (Amended 7/17/89; 11/1/93; 3/19/2001)

412-8. LOT STANDARDS (Amended 3/19/2001; 3/07/05)

Any new residential lot created after April 18, 2001 shall conform to the following requirements:

- 1. Lots in which a narrow strip(s) of land with a width of less than twenty-five percent (25%) of the required minimum street frontage for the zoning district in which the lot is located is used to join other portions of the lot in order to meet the minimum lot area, minimum lot area per dwelling unit, or minimum street frontage requirements are prohibited.
- 2. Narrow strips of land along a street with a depth of less than the minimum front yard requirement for the zoning district in which the lot is located shall not be counted in meeting the minimum street frontage requirement.
- 3. Prior to issuance of a building permit, the Code Enforcement Officer may request that a wetlands delineation be submitted in order to verify that a portion of a proposed building lot adequate for building construction and septic system installation consists of upland. If an area of wetlands equal to or greater than Maine DEP Natural Resource Protection Act thresholds is proposed for alteration, a copy of the NRPA permit shall be submitted prior to issuance of a building permit.



## Section 413. Historic Preservation

### 413-1. PURPOSE AND INTENT

The purpose of this Section is to provide a legal framework within which the residents of the City of Saco can protect the historic, architectural and cultural heritage of historically significant areas, landmarks and sites in the community while accepting compatible new construction. The heritage and economic well-being of the city will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the citizens of the City of Saco. The intent of this ordinance is to in every way possible assist property owners to maintain the architectural integrity of the district.

Once destroyed, architectural history cannot be replaced. To prevent such losses, the intent of this Section is to:

- 1) Protect, preserve and enhance the outward appearance and architectural features of structures within designated districts or designated sites or landmarks.
- 2) Prevent the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks.
- 3) Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings and structures.
- 4) Accept new buildings and structures in designated districts, which are designed and built in a manner which is compatible with the character of the district.
- 5) Promote the educational, cultural, economic and general welfare of the people of the City.  
(Amended 3/2/87; 3/7/94; 8/22/94; 1/17/95; extensively 11/19/07)

### 413-2. DEFINITIONS

As used in this section, the following terms have the following meanings, unless the context indicates otherwise:

**Altered:** The word altered includes "rebuilt", "reconstructed", "rehabilitated", "restored", "removed", and "demolished".

**Appropriate:** Shall refer to those changes in historic properties, landmarks, buildings, structures or sites within historic overlay zones, or sites or landmarks, which are not incongruous with what is historically and architecturally significant as determined by the Commission.

**Building:** A combination of materials forming a shelter that may be used for persons, animals, or property.

**Certificate of Appropriateness:** The permit indicating compliance with Section 413, the historic preservation section of the Saco Zoning Ordinance.

**Commission:** The commission acting as the Historic Preservation Commission established in 413-3.

**Conflict of interest:** Shall be construed to mean direct or indirect pecuniary benefit to any person, including regular and associate members of the Commission or member of the person's immediate family (i.e., related by blood or marriage) or to his employer or the employer of any member of the person's immediate family; or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interests of those for whom the law authorized and required him to act.

**Contributing structure:** A structure located within a designated historic district and identified as contributing to the historical or architectural significance of said district.

**Demolition:** The razing of a building or a structure or the removal of any exterior architectural feature or structure or object.

**District:** See "Historic District".

**Exterior architectural feature:** The architectural style and general arrangement of the exterior of a building or structure, including, but not limited to:

- 1) the kind, type, and texture of the building materials;
- 2) the type and style of all windows, doors, lights, dormers, roofs, gable cornices, porches, decorative trim, etc.;
- 3) the location and treatment of any vehicle access or parking space;
- 4) the design of any sign; and
- 5) the arrangement of any fencing.

**Historic** (adj.): Important in or contributing to history.

**Historic district:** A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or landmarks united by events or aesthetically by plan or by physical development and designated in accordance with the requirements of this Section as appropriate for historic preservation. Such historic districts may also comprise an individual Historic Landmark or Historic Site separated geographically, but linked by association or history.

**Historic landmark:** Any improvement, building or structures of particular historic or architectural significance to the City relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history as may be designated in accordance with this Section.

**Historic site:** Any parcel of land of special significance in the history of the City of Saco, and its inhabitants, or upon which a historic event has occurred, including prehistoric and archeological sites, and which has been designated as such in accordance with this Section. The term "historic site" shall also include any improved parcel, or part thereof, used as and constituting part of the premises on which an historic landmark is situated as may be designated in accordance with this Section.

**Historic significance:** A building, structure or site possesses historic significance if it embodies one or more of the six qualities outlined in Section 413-4. Any building classified as non-contributing is not considered to possess historical significance.

**Historic district(s):** The district(s) established in 413-5 or amended in accordance with the procedures detailed in 413-6 and having one or more of the qualifications outlined in 413-6.

**Materials and texture:** The exterior surface material of a building or structure, including but not limited to, brick, stone, wood or slate.

**Site:** See Historic Site

**Rhythm:** Characterized by the regular recurrence of strong and weak elements.

#### 413-3. HISTORIC PRESERVATION COMMISSION

##### 1) APPOINTMENT

Members of the Historic Preservation Commission shall be appointed by the Mayor and approved by the City Council.

##### 2) QUALIFICATIONS

The Commission shall consist of five (5) regular members, and five (5) associate members. All members shall be residents of the City of Saco. Appointments shall be made on the basis of demonstrated interest, knowledge, ability, experience and desire to promote historic preservation in the City of Saco within the meaning of Section 1 of this Ordinance. To the extent available, the members shall have architectural design skills or other skills related to historic preservation, such as history, architectural history, landscape architecture, planning, engineering, law, archaeology and building construction, and should include a member of the Saco Historic Society. Regular and associate members shall serve without compensation.

##### 3) REGULAR MEMBERS

The regular members who are first appointed shall be designated to serve terms beginning July 1 and ending June 30 as follows: One for one (1) year, two for two (2) years, and two for three (3) years from the date of their appointment. Thereafter, said Commission Members shall be appointed for terms of three (3) years, except in those instances in which the appointment is made to fill a vacancy, in which case the appointment shall be for the remainder of the unexpired term. The Mayor shall act within 60 days to fill a vacancy, including expired terms. Regular members may be reappointed.

##### 4a) ASSOCIATE MEMBERS

Membership should include a resident of the historic district. Associate members who are first appointed shall serve terms beginning July 1 and ending June 30 as follows: One for one (1) year, two for two (2) years, and two for three (3) years from the date of their appointment. Thereafter, said Associate members shall be appointed for terms of three (3) years, except to fill a vacancy, in which case it will be for the remainder of the unexpired term. They shall participate in all hearings and discussions. They shall vote only if the Chairman appoints an associate to act in place of the regular member who is absent, has resigned, or has been disqualified because of conflict of interest. Associate members may be reappointed.

##### 4b) ADVISORY MEMBERS

In addition to the regular and associate members of the Commission, the City Council may appoint other persons, not necessarily residents of the City of Saco, who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions.

5) REMOVAL

Any regular or associate member may be removed for cause by the City Council upon written charges after a public hearing.

6) OFFICERS AND QUORUM

Such commission shall elect annually a chairperson, and vice chairperson from the regular members. Four members shall constitute a quorum for the transaction of business before said Commission, but if less than quorum, the meeting shall be adjourned. The planning office shall maintain a permanent record of the activities of the Commission, including but not limited to, such items as the number and type of cases reviewed and their disposition, new designations of historic sites, landmarks and districts made, resumes of Commission Members, attendance records, appointments to the Commission, correspondence and minutes of all meetings. This duty may be delegated to the City Planning Department, which shall be the authorized agent of the Historic Preservation Commission, to whom the Commission may delegate any duties.

7) PROCEDURE

The Commission may adopt and may amend rules of procedure.

8) MEETINGS

All meetings of the Commission shall be publicly announced, open to the public and have a previously available agenda. Public notice shall be provided prior to any special meetings of the Commission.

9) DUTIES

The duties of the Commission, at a minimum, shall be to:

- a) Advise, and inform City officials and owners of historic buildings, structures or sites, on physical and financial aspects of preservation, renovation, and rehabilitation.
- b) Advise and inform owners in complying with the requirements of this Section.
- c) Make recommendations for establishing historic districts, historic sites, or historic landmarks.
- d) Review all proposed additions, reconstruction, alterations, construction, removal, or demolition of properties designated under the jurisdiction of Section 413 of the Saco Zoning Ordinance.
- e) Review all proposed National Register nominations in Saco.
- f) Serve an advisory role to city officials regarding local historical and cultural resources, and act as a liaison between local government and those persons and organizations concerned with historic preservation.
- g) Conduct or cause to be conducted a continuing survey of local historic and cultural resources, in accordance with Maine Historic Preservation Commission guidelines.
- h) Work to provide continuing education on historic preservation issues to local citizens
- i) Undertake other duties as deemed necessary or desirable by its members to advance the purposes of this Section.

- j) Cooperate with federal, state and city officials in the pursuance of the objectives of historic preservation.
- k) Participate in land use planning efforts of the city, state and federal government.

10) GIFTS, GRANTS, FUNDING

The Historic Preservation Commission may, subject to appropriations by the City Council or other income, employ clerical and technical assistants or consultants, and may apply for and accept grants, money gifts, or gifts of services, and may hold or expend the same for all or any of the purposes of historic preservation in the City of Saco. A non-lapsing fund for gifts and grants shall be established by the City's Finance Director. Appropriations from the City Council shall be managed in accord with city policies and lapse each year if unexpended.

(Amended 3/2/97)

413-4. QUALIFICATIONS FOR HISTORIC DISTRICTS, SITES AND LANDMARKS

The historic districts, historic sites or historic landmarks established in accordance with this Section shall have one or more of the following characteristics and qualifications, without limitations as to cultural or chronological period:

1) HISTORY OF SACO

Structures, buildings or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Saco and the nation, including sites or buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

2) PERSONS

Structures, buildings or sites associated with important historic personages.

3) IDEAS

Structures, buildings or sites associated with important historic examples of a great idea or ideal.

4) ARCHITECTURE

Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction, of community organization and living, or landscaping; of a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect.

5) VISUAL CONTINUITY

Structures or buildings contributing to the visual continuity of the historic district.

6) NATIONAL REGISTER

Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

#### 413-5. ESTABLISHMENT OF HISTORIC DISTRICT, HISTORIC SITES OR HISTORIC LANDMARKS

##### 1) PRELIMINARY PROCEDURES

The initial establishment of historic districts, historic sites or historic landmarks shall be done by amendment to 413-6 and shall overlay the districts created by Section 403. The City Council, the Planning Board, the property owner(s) or the Commission itself may initiate action to amend 413-6. Subsequent action to add new districts, or expand existing historic district(s) shall be done in the same manner. Any person seeking to add or expand historic districts, sites, or landmarks shall request the amendment in writing to the Commission. Any proposal by the Council or Planning Board shall be referred to the Commission for comment before Council action. After receiving the Commission's recommendation concerning the request, the City Administrator shall place it on the agenda of the City Council to act on the request. Any application or designation of buildings, structures, sites and districts shall be in writing and include the following as appropriate:

##### a) DESIGNATION OF BUILDING, STRUCTURES AND SITES FOR HISTORIC PRESERVATION SHALL INCLUDE:

- i) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.
- ii) A concise statement of how the building, structure or site meets the review criteria of 413-4 above.
- iii) Exterior photographs of the building or structure, or a site map, illustrating significant details described in i), above. In addition, the Commission may request photographs of interior articles of particular historic significance. These interior photographs may be provided by the applicant on a voluntary basis and are not required submissions.

##### b) DESIGNATION OR EXPANSION OF DISTRICTS FOR HISTORIC PRESERVATION SHALL INCLUDE:

- i) A concise statement of the physical elements which justify making this area a historic district and a description of building types and architectural styles and periods represented.
- ii) A concise statement of how the district meets the review criteria of 413-4 above.
- iii) An explanation of the boundaries of the district.
- iv) A definition of the types of structures that do not contribute to the significance of the district and an estimate of the number of non-contributing structures.

- v) A map showing the location of all district structures with an identification of contributing structures.

2) STUDIES, RECOMMENDATIONS

Before making its recommendation concerning the proposed establishment or expansion of a historic district, historic site or historic landmark, the Commission may conduct studies and research of the proposal. The Commission will make a report to the City Administrator on every request received within 6 months. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission in Augusta for review.

3) PUBLIC HEARING, FINAL REPORT

Before a final report is made to the City, the Historic Preservation Commission shall hold a public hearing on the request, after due notice is provided at least seven days prior to the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation, and abutting property within a 200 foot radius of the property under consideration. Not later than thirty (30) days after the public hearing, the Commission shall submit a final report to the City Council.

4) ACTION BY THE CITY COUNCIL

After receipt of the Commission's recommendations, as provided above, the City Council shall consider said proposed designation and approve or disapprove the request. Within twenty (20) days after the designation of any historic district, historic site or historic landmark, the owner of each property so designated shall be given written notice.

5) APPLICABILITY OF THIS ORDINANCE

All land, buildings or structures within a historic district are subject to the requirements of this ordinance after a district has been designated by the City Council. All historic sites and landmarks are subject to the requirements of this ordinance after they have been so designated by the City Council.

413-6. HISTORIC DISTRICTS, HISTORIC SITES AND HISTORIC LANDMARKS  
DESIGNATED

The following described lands, buildings, structures, or areas of the City are designated historic districts, historic sites or historic landmarks as follows:

1) Districts

Beginning at Thornton Academy on the north end of Main Street the district takes in the grounds surrounding the Academy and the football field on the opposite side of the street. It then takes in all properties on both sides of Main Street as far south as 146 Main. Beginning at the intersection of Main and North Streets it includes all properties on both sides of North Street as far as the Boston and Maine railroad tracks. All properties on both sides of Vernon Street and Cross Street are included, all properties on the north side of Cutts Avenue, and properties on both sides of Elm Street from the intersection of Elm Street and Main Street to the intersection

of Elm Street and Cutts Avenue are included. All buildings in Pepperell Square are included. The full width and depth of all lots, except for a portion of the Thornton Academy campus, as depicted on the official zoning map are included for all properties. (Amended 6-17-02)

Also, all lots on the north side of Beach Street beginning at Middle Street Extension to Winter Street, except for Memorial Field, where the boundary is an extension of the rear lot line of Map 32 Lot 113; on Winter Street, Map 32, Lot 117; on the south side of Beach Street from Map 32, Lot 98 on Beach Street east to James Street, including Pepperell Park, defined for this purpose as Map 32, Lot 65, but not including Fairfield School and three feet of land around it. The full depth and width of all the lots, except for the Fairfield School exception noted above, as depicted on the official zoning map, are included. In the case of any discrepancies between the boundaries of the district as described above and the map, the map shall have precedence. (Amended 1-17-95, 6-17-02, 11/19/07)

Also, the following lots on Middle and School streets, Map 31, Lots 6, 7, 7-1, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 55 (limited to the portion which is the location of the original Wardwell Home), 63, 64, 65, and Map 32, Lots 89, 90, 91, 92, 94, and 96.

Also, Map 38, Lot 183.

2) Sites

3) Landmarks

413-7. USES PERMITTED

Uses permitted in historic districts, historic sites or historic landmarks shall be those set forth in Section 410, for the zone in which such district, site or landmark is located.

Determinations of permitted and conditional uses shall continue to be within the authority of the code enforcement office, the Planning Board (for conditional uses), and the Zoning Board of Appeals, for appeals of the code enforcement officer's and Planning Board's decisions, to the extent that those appeals are authorized under the zoning ordinance.

413-8. CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness issued by the Commission shall be required for any of the following:

- 1) New construction of a principal or accessory building visible from a public street where such building will be located in a historic district, or upon a historic site.
- 2) Demolition of a historic landmark or demolition of any building or portion of any building, including the removal of architecture features from an historic landmark or a contributing building in a historic district.
- 3) Moving an historic landmark or any building located in a historic district.
- 4) Additions, alterations, or reconstruction, including porches and steps to existing buildings within a historic district or a historic site where such addition would be clearly visible from a public way.



- 5) New signs placed in a historic district or a historic site or historic landmark.
- 6) New construction of walls, fences and parking lots in an historic district within 75 feet of and clearly visible from a public way.
- 7) Sandblasting of brick or stone buildings.

3) MAJORITY VOTE

After a quorum of the voting members has been established in accordance with 413-3(6), an affirmative vote of at least 3 of the quorum shall be required to issue a Certificate of Appropriateness.

4) BUILDING PERMITS

In any historic district and with respect to any historic site or historic landmark, no building permit shall be issued for any construction, alteration, or demolition until a corresponding Certificate of Appropriateness, where required by this section, has been issued by the Historic Preservation Commission.

413-9. APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

1) APPLICATION FORMS, FEES

Application for a Certificate of Appropriateness shall be obtained from the City Planning Department. No fee is required for a certificate of appropriateness application.

2) APPLICATION PROCEDURE

A completed application for a Certificate of Appropriateness shall be submitted to the City Planning Department which shall verify that the requirements of (3), below, have been met, then date it and transmit such application to the Historic Preservation Commission for action. The Commission shall consider each completed application within twenty-one (21) days of the date of submittal of a complete application and within fifteen (15) days following, approve, approve the application with modifications, make recommendations for modifications to the application, or deny the application. By mutual written consent of the Commission and the applicant, the review period may be extended. When the Commission acts on the application, it shall notify the Code Enforcement Officer.

2a) ALTERNATIVE PROCEDURE FOR REVIEW OF INSTALLATION OR ALTERATION OF ANY EXTERIOR SIGN; MINOR ALTERATIONS; AND TEMPORARY ALTERATIONS.

In order to process Certificates of Appropriateness more efficiently, applications for minor alterations shall be reviewed by the City Planning Department rather than the Historic Preservation Commission. The City Planning Department shall review the application to the standards of Section 413 and approve the application, approve it with modifications or deny it within 10 working days of receiving a complete plan. No public hearings or abutter notices are required for applications reviewed under this section. If the department has not acted within 10 working days the applicant may seek approval from the Commission, rather than the

department. Inaction by the City Planning Department does not constitute approval or disapproval of the plan.

If the applicant is not satisfied with the determination of the department, the applicant shall be permitted to have the entire application reviewed by the Commission. The City Planning Department can, for any reason, forward any minor alteration to the Commission for review. The department shall provide the Commission with written notice of any action.

For purposes of this section only, temporary is defined as either a one-time occurrence that does not exceed thirty (30) days or as an annual occurrence that does not exceed one thirty (30) day period each year.

Minor alterations are defined as incidental changes or additions to a building or site features which will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the determination of the Planning Department, such change shall alter the historic character of the building or site.

### 3) APPLICATION CONTENTS

The application shall state the location, use and nature of the matter for which such application is sought and shall contain at least the information or documentation outlined in paragraphs a through h of this section. The Commission may waive any application requirement if it determines that it is not necessary to an application.

- a) The applicant's name, address, and interest in the subject property. If not representing the owner, the applicant shall provide evidence of right, title, or interest in the property.
- b) The owner's name and address, if different from the applicant's, and the owner's signature.
- c) The address and the tax map and lot number.
- d) The present use and zoning classification of the subject property.
- e) A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the Certificate of Appropriateness.
- f) A scale drawing or drawings of the exterior architectural features indicating the design, texture, and location of any proposed alteration, reconstruction, maintenance or new construction for which the Certificate is being applied. As used herein, drawings shall mean plans or exterior elevations drawn to scale, with sufficient detail to show as far as they relate exterior appearances, the architectural design of the building(s), including materials and textures including samples of exterior materials. Drawings shall be clear, complete and specific.
- g) Photographs of the building involved and of adjacent buildings.
- h) A site plan indicating improvements affecting appearance such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.

## 413-10. ADMINISTRATIVE PROCEDURES

### 1) NOTICE TO APPLICANT AND ABUTTERS

Prior to consideration of a Certificate of Appropriateness, the city shall inform the applicant and mail a notice to all persons owning abutting property of the application. This section, however, shall not apply to applications heard under Section 413-9-2a. For purposes of the notice required hereunder, the owners of property shall be considered to be those against whom municipal taxes for real estate are assessed. Failure of any person to receive notice shall not necessitate another hearing or invalidate any action by the Commission.

### 2) HEARING

The Commission will hold a public hearing on each application before it. Applications under Section 413-9-2a do not require a public hearing. A notice of the hearing will be mailed to abutters and posted at City Hall at least five days before the public hearing. In the case of an application for a new building or an addition of over \$1,000 estimated value, or in the case of the demolition of any building, a hearing notice shall be placed in a newspaper of general circulation.

### 3) APPROVAL

If the Commission determines that the proposed construction, reconstruction, alteration, moving, or demolition meets the standards of this ordinance and is therefore appropriate, it shall approve a Certificate of Appropriateness and the City Planning Office shall notify the applicant and code enforcement officer in writing of the determination and any conditions of approval. (Amended 8-22-94)

### 4) DISAPPROVAL

If the Commission determines that a Certificate of Appropriateness should not be issued, it shall make findings describing how the application does not meet the standards of the ordinance. However, in order to prepare more detailed findings, the Commission may postpone the decision for up to two weeks or allow itself up to an additional two weeks to prepare and adopt more detailed findings. The City Planner shall notify the applicant and the Code Enforcement Officer within 10 days of the final determination. (Amended 8-22-94)

### 5) APPEALS

An appeal from the final decision of the Commission as to any matter over which it has final authority may be taken by any party or person aggrieved within 30 days from the date of the decision to the Zoning Board of Appeals.

### 6) TIME LIMITS ON CERTIFICATES OF APPROPRIATENESS

If substantial construction is not commenced within six months of the issuance of a certificate of appropriateness, the approval shall be null and void. The deadline may be extended for one additional six (6) month period by the Planning Department upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration

of the approval. After the approval has expired or an extension denied, the applicant may reapply for site plan review at any time without prejudice. The extension shall be approved by either the Planning Department or the Commission, as outlined above, unless:

- a. additional information that indicates that the plan does not meet the standards of the zoning ordinance;
- b. failure to meet a condition of approval;
- c. an amendment in the zoning ordinance that prohibits or alters the proposed project.

#### 413-11. STANDARDS OF EVALUATION

The standards and requirements in the U.S. Secretary of the Interior's "Standards for Rehabilitation", as revised in 1990 (36 CFR Part 67, Historic Preservation Certifications), as well as the standards of subsections 413-11-2 and 413-12-3 below, shall be used in review of applications for Certificates of Appropriateness. Design consideration and structural factors related to maintaining historic structures in good condition shall be the Commission's primary area of focus. Every reasonable effort shall be made to provide a compatible appearance for new or renovated buildings, structures, and yards in the historic preservation district, or to maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds.

The standards if Section 413-11-5-d shall apply to demolitions.

The following standards shall apply:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials, subject to Section 413-12. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## 2) VISUAL COMPATIBILITY FACTORS

Within historic districts and on historic sites, new construction, additions to existing buildings or structures and existing buildings and structures and appurtenances thereof which are moved, reconstructed, materially altered, repaired or changed through new exterior surfaces shall be visually related generally in terms of the following factors:

### a) HEIGHT

In addition to complying with the height standard of Table 412-1 and the height waiver standards of Section 412-5, the height of a proposed building or addition shall be visually compatible with surrounding structures when viewed from a public street.

### b) WIDTH

The width of the building shall be compatible with buildings, structures and open spaces to which it is visually related.

### c) WINDOWS AND DOORS

The relationship of windows and doors in a building shall be compatible with those windows and doors of buildings to which the building is visually related particularly to adjacent historic buildings of the same period.

### d) RELATION OF SOLIDS TO VOIDS IN FRONT FACADES

The relationship of solids to voids in the front facade of a building shall be compatible with that of buildings to which it is visibly related.

### e) RHYTHM OF SPACING OF BUILDINGS ON STREETS

The relationship of the building to the open space between it and adjoining buildings shall be compatible with those of buildings to which it is visually related.

### f) RHYTHM OF ENTRANCE AND/OR PORCH PROJECTION

The relationship of entrance and porch projections to sidewalks of a building shall be compatible with those buildings to which it is visually related.

### g) RELATIONSHIP OF MATERIALS AND TEXTURE

The relationship of materials and texture shall be compatible with that of predominant materials used in buildings to which it is visually related.

h) ROOF SHAPES

The roof shape of a building shall be compatible with that of buildings to which it is visually related.

i) SCALE OF BUILDINGS

The size of a building, the building mass in relationship to open spaces, the windows, door openings, porches and balconies shall be compatible with those characteristics of buildings and spaces to which it is visually related.

j) DIRECTIONAL EXPRESSION OF FRONT ELEVATION

A building shall be compatible with the building, squares and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

3) CONSTRUCTION OF NEW BUILDINGS AND STRUCTURES IN HISTORIC DISTRICTS

In addition to the standards above, the construction of a new building or structure or an addition to an existing building or structure within a historic district or on a historic site shall be generally of such design, form, proportion, mass, configuration, building material, texture, and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with area.

4) SIGNS

General: Signs shall be governed by the standards of Section 707, Signs, and this section. If there is any conflict, the stricter standards shall apply. All signs, either new or upon alteration, require a Certificate of Appropriateness.

Contemporary signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit the facade in the case of attached signs. The design shall take into account the scale, character and design of the building, the traditional location of signage on area buildings, the location of existing sign boards, lower cornices, lintels, and other architectural elements, and the opportunity to use signage as an element to enhance the appearance of building entrances. Materials and workmanship shall convey a sense of permanence and durability.

a) Location

Wall signs generally shall be located no higher than the window sill line of the second story. The use of a continuous sign-band extending over adjacent shops within the same building is encouraged as a unifying element. Where signage is proposed on street level windows, such signage should not substantially obscure visibility through the window.

b) Design

The size of signs and letters shall be at an appropriate scale for pedestrians and slow-moving traffic. Typefaces which are simple, easy to read, and scaled appropriately for both the sign and building shall be used. Pictographs (such as a projecting sign in the shape of a

key for a lock shop), can be an appropriate feature if consistent with the standards of the ordinance.

c) Illumination

Generally signs, if illuminated, shall be illuminated from a shielded, exterior source. The light source should be concealed from direct view. However, the Historic Preservation Commission, (but not the Planning Department) may approve certain special illuminated signs. Special situations, such as marquees or special uses such as cultural events or public activities may be appropriate exceptions where sensitively designed.

d) Additional Guidelines for Special Categories of Signs:

1. Awnings, Canopies and Marquees: The shape and size of these devices shall correspond to the shape, character and size of the opening over which they will be installed, and fully fill the width of the individual window or door opening. Besides the signs standards of this ordinance, these sign types and all advertising signs, must comply with all other historic ordinance design standards.
2. Painted Wall Signs: Painted wall signs such as business names may be appropriate if designed in conformance with this ordinance.
3. Outdoor Murals: Painted walls such as murals and trompe l'oeil (suggestive of architectural or other three dimensional objects) scenes shall be used only to enhance the streetscape, not for advertising purposes.

5) DEMOLITION OR REMOVAL

a) SCOPE

The following provisions apply to any proposal involving the demolition, moving, or removal of any historic landmark, or any building or structure, or any appurtenance thereto, in a historic district. The purpose of this paragraph is to further the purposes of the Section by preserving historic buildings which are important to the education, culture, traditions, and the economic value of the city, and to afford the City, interested persons, historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings. Furthermore, the purpose of this section is to afford the city, and Historic Preservation Commission, other preservation organizations and others interested in preservation, the opportunity to acquire or arrange for the preservation of historic buildings and structures, or important portions and features thereof or the proper removal of historic artifacts, or the proper recordation of the building, structure and/or site.

b) PROCEDURE

Any person proposing any activity falling within the scope of this paragraph shall first file an application for a Certificate. In addition to the regular submissions under Section 413-9, the applicant shall also submit evidence which supports one or more of the approval standards of sub-section d below. This might include evidence from a structural engineer, an architectural historian, an appraiser, or other qualified expert.

c). **STAY** At the hearing on an application to relocate or demolish a Contributing Building in an Historic Preservation District, or an Historic Landmark , or an Historic Site, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, ten days prior to the expiration of the delay period the Commission finds that there are still reasonable alternatives to explore the Commission may continue the delay for an additional period of up to 60 days. The purpose of the delay is to find alternatives to demolition, such as:

- assisting in securing funding to preserve in place the building, structure, or important portions and features thereof; or
- finding other ways to preserve the building or structure, such as outright purchase of the property when feasible, or relocation; or
- proper recordation of buildings, structures and sites including photography and narrative report; or
- preservation of historic artifacts.

d) **STANDARDS OF APPROVAL** In order to approve an application for the relocation or demolition of a Contributing Building in an Historic Preservation District, or of an Historic Landmark or an Historic Site, the Commission must find that the proposal meets one of the following standards of approval:

1. Not a contributing structure in the historic district nor an historic landmark or site. The determination of what is a contributing structure is based on “Saco Historic Resources Inventory”, marked “(late 1999)”, and “The Middle Street-School Street Area – April 7, 1997”.
- 2.The Commission determines that the building or structure is not of historical significance;
3. The building or structure, or predominant portions thereof has been determined by the chief Code Enforcement Officer to represent an immediate hazard to the public health or safety because of severe structural deficiencies, which hazard can not be abated by reasonable measures.
- 4.No prudent and feasible alternative exists, or
5. The property is deteriorated beyond repair.

e) **CONDITIONS OF APPROVAL** In approving an application for the demolition of a contributing building in an Historic Preservation District, or an Historic Landmark or Historic Site, the Commission may impose the following conditions:

1. Photographic, video, or drawn recordation of the property to be demolished, and/or
2. Reasonable salvage and curation of significant elements, and/or
3. Other reasonable mitigation measures.

f) **HAZARD BUILDINGS** No provision in this ordinance shall be construed to prevent the alteration, demolition, or relocation of a building, when the chief Code Enforcement Officer certifies that such action is required for the public safety.



#### 413-12. ORDINARY MAINTENANCE; SAFETY

Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of any historic landmark which does not involve a change in the design, material, or outward appearance thereof. Paint color and the preparation of a wooden building for painting, and the construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this Section.

Nothing in the Section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.

#### 413-13. APPEAL; HARDSHIP

An appeal from the final decision of the Commission may be taken by any party or person aggrieved to the Zoning Board of Appeals within 30 days from the date of the decision.

#### 413-14. CONFLICT WITH OTHER ORDINANCES

This Section shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this Section imposes a higher and/or stricter standard, the provisions of this Ordinance shall prevail.

#### 413-15. AMENDMENTS

The City Council, the Planning Board, or the Commission itself may initiate action to amend this Section. The request to amend shall be referred to the Commission for a report within 90 days thereon. The Commission shall hold a public hearing before the report is made to the City Council. Notice of the hearing shall be made public by notice in a newspaper of general local circulation at least 7 days before the public hearing. The Planning Board shall also make a recommendation to the City Council.

(End Historic Preservation)

#### SECTION 414. MULTIPLE DWELLINGS AND/OR USES ON ONE LOT

A. Except as permitted under Section B below, no more than one single family or two family dwelling and its accessory buildings as regulated by this Ordinance may be located on any one lot except in the case of multi-family complexes that meet all other applicable sections of the ordinance. Commercial buildings may be permitted on the same lot as single family and two family dwellings in business districts only, provided that the combined uses and buildings are in the same ownership, remain in the same ownership, and meet the lot size requirements of Table 412-1, Line A.

B. A second single family dwelling or two family dwelling in the same ownership as the first may be located on a lot only if the street frontage requirement, without variance, is met for each principal building or structure located on the lot, and the placement of the buildings will allow division of the lot in conformance with the minimum lot and yard regulations of the District in which it is located, as expressed in Table 412-1. (Amended 9-6-94; 7/16/12)

#### SECTION 415. COORDINATION OF PERMITTING AND REVIEWS WITHIN THE SACO RIVER OVERLAY DISTRICT

Activities within the Saco River Overlay District are subject to the regulations of both the City of Saco and the Saco River Corridor Commission. Construction, development, and some other activities require a permit or approval from both the City and the Corridor Commission.

Activities within the Saco River Overlay District must conform to the applicable City regulations as well as to the Commission's regulations. Where there is conflict between the two sets of requirements, the more stringent or restrictive shall govern.

To coordinate the review and permitting process, applicants or potential applicants should first determine if the proposed activity is allowed under the City's regulations and the City standards that will apply. The applicant should then obtain a permit for the activity from the Saco River Corridor Commission. Once the Corridor Commission permit has been obtained, the applicant should apply for any City permits or approvals needed for the project. Obtaining a permit from the Corridor Commission does not absolve the applicant of the requirement to obtain all necessary City permits and approvals. (Amended 4/3/02)

#### SECTION 416. ADDITIONAL REQUIREMENTS FOR A MASTER PLANNED DEVELOPMENT (Amended 7/1/13)

##### A. GENERAL

Any proposal for a Master Planned Development must conform to the requirements of this section. The approval of a Master Planned Development involves a two phase process as follows:

- (1) The Site Inventory and Analysis and Master Plan Phase – The site inventory and analysis involves the preparation and review of a detailed analysis of the existing conditions on the site, the opportunities and constraints these conditions create for the use and development of

the site, and the factors that must be addressed in the development of the Master Plan for the master planned development. The Master Plan Phase involves the preparation and review of a conceptual master plan for the overall Master Planned Development and the development standards that will apply to individual buildings, subdivisions, or phases of the development based upon the results of the site inventory and analysis. Approval of the Master Plan and development standards must occur before any application is submitted for site plan review or subdivision approval.

- (2) The Site Plan or Subdivision Review Phase involves the preparation and review of the detailed development plans for individual buildings, subdivisions, or phases of the development in accordance with the City's Site Plan Review provisions and/or Subdivision Ordinance requirements. In addition to conforming to the requirements of those chapters and the other zoning requirements, a Master Planned Development must demonstrate that it is consistent with the approved Master Plan and its development standards.

In addition, a developer or property owner considering a Master Planned Development may go through a Conceptual Review as set forth in subsection D. This review is optional. The Conceptual Review is intended to be informational and the results of this review are not binding on the applicant or on the Planning Board.

#### B. WHERE PERMITTED

Master Planned Developments are permitted only in those zones where they are expressly allowed by the standards of the zone.

#### C. AREA INCLUDED IN A MASTER PLANNED DEVELOPMENT

The intention of these requirements is that a Master Planned Development includes a substantial area that will allow for the master planning of a significant development activity. If a parcel is less than ten (10) acres, the entire area of the parcel must be included in the Master Planned Development unless the Planning Board determines otherwise based upon the unique characteristics of the parcel or existing development on the parcel. For lots with ten (10) acres or more, the Planning Board may permit a portion of the parcel to be treated as a Master Planned Development, or the parcel to be treated as more than one Master Planned Development, if it finds that such treatment will be consistent with the provisions of this section and will result in a coordinated development approach for the entire holding. If the Planning Board allows a Master Planned Development that is less than the entire parcel, the Master Planned Development must include at least five (5) acres.

If the Planning Board allows a Master Planned Development to include less than the entire parcel or if it permits multiple master planned developments on a parcel, the Site Inventory and Analysis, the Conceptual Site Plan, and Preliminary Infrastructure Plan submitted for the initial master planned development must cover the entire area of the parcel unless the Planning Board determines that the

areas of the parcel not included are unlikely to be developed in the future due to site constraints or legal restrictions on development such as easements. The materials submitted for the entire site must allow the Planning Board to evaluate the overall utilization of the entire parcel and how the Master Planned Development under consideration fits into the overall development plan.

#### D. CONCEPTUAL REVIEW

The purpose of the Conceptual Review is to allow the property owner or developer to discuss the preliminary concepts for the Master Planned Development with the planning staff and Planning Board. As such the review is intended to be informal and educational in nature. The Planning Board's feedback on the preliminary concepts is non-binding.

If an applicant wants to go through the Conceptual Review process, the applicant shall provide twelve (12) copies of the following information to the planning staff:

1. A map showing the location of the property under discussion.
2. Evidence of right, title, or interest in the property, such as a deed, lease, option, or purchase and sale agreement.
3. A preliminary site analysis based on available information identifying the possible opportunities and constraints that the natural and built environments create for the use and development of the site. This analysis should tentatively identify the portions of the site anticipated to be suitable for development as well as areas that are potentially unbuildable or suitable as open space or conservation areas.
4. A narrative and accompanying sketches describing the potential development concept and how the development concept is consistent with the appropriate approval criteria.
5. An indication of any submission requirements for which the applicant may be interested in requesting waivers.

The Planning Board shall review the materials at a meeting of the Planning Board. All property owners that are entitled to notice under F.3 will be notified of the meeting. The result of the Planning Board review will be to provide the applicant with guidance as to whether the potential development is consistent with the general intent of the Master Planned Development provisions, issues or questions that will need to be addressed in subsequent submissions, and on the suitability of possible waivers of the submission requirements of subsection E.

#### E. SITE INVENTORY AND ANALYSIS AND MASTER PLAN PHASE

This phase consists of the preparation of a site inventory and analysis together with a development of a master plan for the development based on the site analysis. This section lays out the requirements for the site inventory and analysis and the master plan.

**1. Site Inventory and Analysis.** The Site Inventory and Analysis is intended to provide the applicant, Planning Board, staff, boards and utility districts, and public with a better

understanding of the overall site and the opportunities and constraints that the natural and built environments create for the use and development of the site. The expectation is that the preparation of the inventory and analysis will result in a Master Plan for the Master Planned Development that reflects and is sensitive to the conditions on the site, that preserves areas that should be protected from development or intensive use, that utilizes the areas of the site that are most suitable for development for intensive use and development, and that recognizes and addresses identified constraints or limitations of the site.

The Site Inventory and Analysis shall include the following four elements plus any additional information the applicant wishes to submit to enable the Planning Board to evaluate the site and its development potential:

- A Site Context or Locus Map
- A Site Inventory Plan
- A Site Analysis Plan
- A Site Analysis Narrative

Each element shall include all of the information set forth below together with any supplemental information desired by the applicant. The Planning Board may not waive the submission of any of the four required elements, but may waive the submission of individual pieces of data or information required for any of the four required elements upon written request of the applicant and a finding, by formal vote of the Board, that the information is not needed to understand the conditions of the site and the opportunities and constraints resulting from these conditions.

a) ***The Site Context or Locus Map*** shall show the location of the development in the City and its relationship to adjacent property. The map shall be drawn at a size adequate to show the relationship of the proposed development to the adjacent properties within five hundred (500) feet of the site, and to allow the Board to locate the site within the municipality. The location map shall show:

1. Existing subdivisions or other developments.
2. Approved but undeveloped subdivisions or other developments.
3. Locations and names of existing streets.
4. Boundaries and designations of zoning districts.
5. An outline of the land included in the master planned development, and of the overall parcel, if different.

b) ***The Site Inventory Plan*** shall show the existing natural features and resources and the built environment on and within five hundred (500) feet of the site. The Plan shall be an accurate scale plan of the site at a scale of not more than one (100) feet to the inch. If this scale is not adequate to show critical details of the inventory, the Planning Board may require larger scale plans be provided for these portions of the site. The Plan must show the following as a minimum:

1. The proposed name of the development, north arrow (True Meridian), date, and scale.
2. The owner's and applicant's name and address and the names and addresses of

consultants who aided in the preparing the inventory and analysis.

3. Evidence of right, title, or interest in the property, such as a deed, lease, option, or purchase and sale agreement.
4. The boundaries of the property and all contiguous property under the control of the owner or applicant based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines. The Planning Board may waive the requirement for a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
5. The zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different zone.
6. Existing restrictions or easements on the site (if none, so state).
7. The topography of the site at two foot intervals.
8. The location, extent, and, where appropriate, value or condition of the natural features and historic features of the site, and within five hundred (500) feet of the site, including but not limited to floodplains, wetlands, vernal pools, streams, ponds, open drainage courses, sand and gravel aquifers, scenic views or areas, significant wildlife habitats, habitat areas for rare and endangered plants and animals, deer wintering areas, stands of trees, stone walls, graveyards, fences, unique natural areas, buildings more than 50 years old, other historically significant structures or features, archeologically significant features, or other important unusual natural site features or areas. Information on adjacent properties may be from published sources.
9. The soils on the site through a medium intensity soil survey. The Planning Board may require the submission of a high intensity soils survey if it determines that a high intensity survey is required to evaluate the appropriate use of the property.
10. Vegetative cover conditions on the property according to general cover type, and the identification of any exceptional specimens including any trees with a diameter at breast height of more than twenty-four inches.
11. Watershed and sub-watershed boundaries.
12. The groundwater hydrology beneath the site including any information from test pits, borings, or existing wells.
13. Existing buildings, structures, or other improvements on the site including streets, driveways, stone walls, fences, trails, and cemeteries (if none, so state).
14. The location and size of existing utilities or improvements servicing the site (if none, so state).

c) ***The Site Analysis Plan*** shall be at the same scale as the inventory plan (see b. above) and highlight the opportunities and constraints of the site in a bubble diagram or annotated format. This plan must enable the Planning Board to determine: which portions of the site: 1) are well suited for the proposed use; 2) are unsuitable or have significant limitations for development or use; 3) have potential conservation or open space value that should be addressed in the Master Plan; and 4) may be subject to or create off-site conflicts or concerns (noise, lighting, visual intrusion, traffic, etc.).

d) ***The Site Analysis Narrative*** must describe the existing conditions of the site, the constraints and opportunities created by the site, the potential for mitigating any potential conflicts or concerns, the development potential of the site, and the open space conservation potential of the site. This submission should include a narrative description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances, or other traffic considerations together with any preliminary studies done relative to the site including traffic studies, market studies, or other information that will help the Board understand the site and the proposed project.

2. **Master Plan** -- The Master Plan is intended to lay out, in general terms, how the Master Planned Development will be developed including the proposed use of various parts of the site, the primary road and pedestrian network, primary utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, and proposed buffer areas, and the development standards that will apply to development proposals. The intention of this plan is to provide the overall development framework for the district into which specific projects can then be fitted to produce a coordinated development.

The Master Plan shall include the following six elements plus any additional information the applicant wishes to submit to enable the Planning Board to evaluate the proposed development and the treatment of the site vis-à-vis the Site Inventory and Analysis. These elements may be combined if appropriate:

- A Development Narrative
- A Conceptual Site Plan
- A Preliminary Infrastructure Plan
- A Neighborhood Impact Mitigation Plan if the development abuts a residential zone
- An Environmental Assessment
- Development and Design Standards

Each element shall include all of the information set forth below together with any supplemental information desired by the applicant. The Planning Board may waive the submission of any of the required items as well as the submission of individual pieces of data or information required for any of the six required elements upon written request of the applicant and a finding, by formal vote of the Board, that the information is not needed to understand how the proposed development relates to the conditions of the site or the proposed nature of development, or that the information is not appropriate given the scale of the development.

a) ***The Development Narrative*** must describe the overall nature of the proposed development, the general utilization of the site, the types and scale of anticipated development, and provisions to address the constraints and limitations identified in the Site Inventory and Analysis. The development narrative must specifically address how the master planned development standards of the zone in which the development is located will be met. The narrative must include a projected timeline for the development of the project and/or a

description of the phasing of the development if applicable.

b) ***The Conceptual Site Plan*** must be an accurate, scaled plan at the same scale as the Site Analysis Plan submitted as part of the Site Inventory and Analysis and show the proposed layout of the site, the proposed use of various parts of the site, the primary road and pedestrian network, primary utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, and proposed buffer areas. The conceptual site plan may show proposed uses in a bubble diagram or similar conceptual format and does not need to include the location of individual buildings. However, if buildings are not shown on the conceptual site plan, the development standards (see e. below) must address the site and architectural design issues related to the design of individual buildings and sites.

c) ***The Preliminary Infrastructure Plan*** must show the layout and preliminary design of the various infrastructure components that will serve as the core infrastructure for the site if the site will have any internal infrastructure/utility networks. This should address off-site infrastructure improvements where necessary. The Plan should include the proposed primary road network within the development as well as access into and out of the site, the public water and sewerage systems, the overall approach to stormwater management including any mitigation activities to comply with state stormwater requirements, electric, cable, and fiber optic systems, and any shared or common facilities such as parking or service areas.

d) ***The Neighborhood Impact Mitigation Plan*** must describe how the impacts of the proposed development on neighboring residential areas including traffic, noise, exterior lighting, and visual considerations will be minimized. The impact mitigation plan must specify the areas that will be retained as buffers and how those areas will be treated and protected. The plan must include any specific standards or requirements that will be imposed on individual buildings or projects such as increased setbacks, buffering or landscaping, and similar measures.

e) ***The Environmental Assessment*** must identify and evaluate the importance of the natural resources on the site based upon the Site Inventory and Analysis, detail how the Conceptual Site Plan has been designed to minimize encroachment on high value resources identified in the Site Inventory and Analysis, describe actions that will be taken to reduce adverse impacts on these resources from the proposed use of the site, and what mitigation activities will be undertaken to compensate for any undesirable negative impacts.

f) ***Development and Design Standards*** that will apply to individual buildings or projects if the Conceptual Site Plan does not address site and building design issues. The standards should assure that the development will conform to the Design Standards of Section 729, and result in a coordinated, visually-integrated development. These standards must address, at a minimum, parking layout and design, landscaping, exterior lighting, signage, pedestrian and bicycle facilities, noise, and architectural design and details



## F. REVIEW AND APPROVAL OF THE SITE INVENTORY AND ANALYSIS AND MASTER PLAN

1. Every applicant applying for approval of a master plan for a Master Planned Development shall submit to the Planning Department a completed application form and twelve (12) copies of a complete site inventory and analysis and master plan for the proposed development which shall be prepared in accordance with Subsection E, and accompanied by a fee as prescribed by the City's cost recovery ordinance.
2. After an application is submitted, the Planning Department within ten (10) working days shall determine whether all information required under Subsection E, or requests for waivers of submission for items that have not been addressed, have been submitted. **Any requests for waivers must be explained in detail and supported by substantial evidence where appropriate.** If the application appears to be complete, it shall be scheduled for Planning Board consideration. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is treated as complete. **A determination of completeness by the Planning Board does not constitute approval of any waiver requests, unless a specific finding to that effect is made by the Planning Board.**
3. Prior to taking action on a master plan application, the Planning Board shall hold a public hearing. Property owners shall be notified by first class mail at least seven days prior to a public hearing. Property owners in the Conservation District, any industrial district, the Resource Protection district, or the R-1, R-2, and R-4 districts, shall be notified of the hearing if their property is within six hundred (600) feet of the applicant's property. Property owners in the R-3 district, or any business or mixed-use district, shall be notified if their property is within two hundred (200) feet of the applicant's property. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board. The hearing shall also be advertised in a local newspaper at least seven days prior to a public hearing.
4. The Planning Board shall act to approve, approve with conditions, or disapprove the master plan within thirty (30) days of the close of the public hearing, or by a date mutually agreeable with the applicant.
5. The Planning Board shall approve the Master Plan only if it finds that it complies with the following criteria. The Planning Board may impose conditions on its approval of the Master Plan if it finds that such conditions are necessary for the Master Plan to comply with the approval criteria:
  - a) The Master Plan is consistent with the Site Inventory and Analysis and reflects a reasonable utilization of the site given both environmental and built-environment considerations. Areas that are proposed to be intensively developed or used are located in the areas identified for development in the Site Inventory and Analysis. Areas that were

identified as being unsuitable for development in the Site Inventory and Analysis are protected and the adverse impacts of development mitigated. Areas that were identified as having open space or conservation and natural resource value in the Site Inventory and Analysis have been addressed and the resource value maintained through the utilization of the site, mitigation activities, and/or on or off-site compensatory activities. Other issues and concerns identified in the Site Inventory and Analysis have been appropriately addressed in the Master Plan.

b) The Master Plan is consistent with the space and bulk standards, the development standards, and other requirements for master planned developments in the zoning district in which it is located.

c) The Master Plan demonstrates that the infrastructure needed to serve the development including water supply, sewage disposal, power, telecommunications, and other utilities is available or can be reasonably expected to be able to be provided and will not create an unreasonable burden on the infrastructure systems.

d) The Master Plan demonstrates that street system can accommodate the traffic that will be generated by the development or that improvements can be reasonably made to accommodate the traffic.

e) The Master Plan demonstrates that runoff from the development will be managed to maximize on-site infiltration and minimize discharge from the site and that any runoff from the site can be accommodated by the City's stormwater system or that improvements can be reasonably made to accommodate the runoff.

f) The Master Plan is consistent with any zoning district specific approval criteria set out in subsections G or H.

#### G. ADDITIONAL STANDARDS OF APPROVAL FOR A MASTER PLAN FOR A MASTER PLANNED DEVELOPMENT IN THE MU-3 DISTRICT

In addition to the general standards of approval set out in subsection E.5, the Planning Board shall approve a master plan for a Master Planned Development in the MU-3 District only if it finds that the master plan conforms to all of the following additional standards. When the Master Plan involves only a portion of the parcel, the Planning Board shall consider both the conceptual development of the entire parcel and the development of the proposed Master Planned Development in determining if these additional standards will be met. The Planning Board may condition its approval of the Master Plan on phasing of the development and/or the applicant addressing specific issues or questions in the site plan review process when additional information is available and/or detailed design or engineering has been completed.

1. The Master Plan must demonstrate that the development will result in the creation of high-

quality, mixed-use neighborhood that is consistent with the Vision for the Planned Mixed Use Development Area set out in the City's 2011 Update of the Comprehensive Plan.

2. The overall development concept must provide for a mix of residential and nonresidential uses and must assure that both components of the neighborhood will be developed in a timely manner.

3. The Master Plan must result in the creation of a mixed-use neighborhood in which residential and nonresidential uses are integrated both with designated development areas and within individual buildings. A plan that proposes that part of the development area be exclusively residential while the balance of the development area is exclusively nonresidential is not consistent with this standard. While some development areas may be devoted exclusively to one type of use, the objective is that there be a mix of uses throughout the neighborhood.

4. The residential uses proposed as part of the Master Plan should include a mix of housing types.

5. The nonresidential uses proposed as part of the Master Plan must be compatible with and integrated into the overall neighborhood development. Provisions must be included in the Master Plan to minimize and mitigate any potential conflicts between residential and nonresidential uses. Large parking lots should be avoided and parking provided in smaller, well-landscaped lots.

6. If retail uses are proposed as part of the Master Plan, these uses should be intended to either primarily serve residents and workers in the neighborhood or adjacent neighborhoods or offer goods and services that complement goods and services offered by the Downtown business community or in other commercial districts. The Master Plan must demonstrate how this standard will be met.

7. The overall layout of the development including the street system must result in a neighborhood in which all or most buildings and other centers of activity are internally focused rather than focused on Route One. Vehicle access to individual buildings or lots should be primarily from the internal street network. The creation of curb cuts on Route One to serve individual lots or buildings should be avoided.

8. The proposed street system serving the development should create an interconnected network that allows vehicles to move about the neighborhood without having to use existing arterials or collectors. The street network within the development should also be interconnected and dead end streets should be avoided. The internal street network should be connected to the existing street network at appropriate locations and should provide access to all adjacent arterials and collectors if feasible.

9. The overall character of the development should be urban rather than suburban. Most buildings should be located close to the street and parking lots should be located to the side or

rear of most buildings although provision for limit parking between a building and the street may be appropriate for convenience retail and service uses. Major buildings should be more than one story and should include a mix of uses. The urban design standards of Section 729 should guide the character of the neighborhood.

10. The design of streets within the neighborhood should be urban in character with provisions for sidewalks or other pedestrian ways, street trees, and lighting. The Master Plan must demonstrate how this requirement will be met.

11. The neighborhood must be pedestrian-friendly and provide a high level of pedestrian and bicycle facilities. The Master Plan should provide for the creation of pedestrian and bicycle networks that allow people to move within the neighborhood. The neighborhood's pedestrian and bicycle networks should connect to the City's existing facilities and to the Easter Trail where feasible.

12. The neighborhood must include a network of parks, recreation areas, and conservation land/open space. At a minimum, at least fifteen (15) percent of the total area of the development and at least five (5) percent of the developable area of the Master Planned Development must be set aside for these purposes. The location and type of land should be based on the Site Inventory and Analysis and should create an interconnected "green" network where feasible and consistent with the Site Analysis.

13. The Master Plan should address opportunities for alternative transportation such as mass transit. Provisions for bus stops or other facilities should be incorporated into the Master Plan if appropriate. A plan that proposes reducing the amount of parking provided in exchange for support for transit service is appropriate and may be approved by the Planning Board as part of the Master Plan.

#### H. ADDITIONAL STANDARDS OF APPROVAL FOR A MASTER PLAN FOR A MASTER PLANNED DEVELOPMENT IN THE MU-4 DISTRICT

In addition to the general standards of approval set out in subsection E.5, the Planning Board shall approve a master plan for a Master Planned Development in the MU-4 District only if it finds that the master plan conforms to all of the following additional standards. The Planning Board may condition its approval of the Master Plan on the applicant addressing specific issues or questions in the site plan review process when additional information is available and/or detailed design or engineering has been completed.

1. The Master Plan assures that areas that are identified in the Site Inventory and Analysis as being unsuitable or having significant limitations for development or use are preserved as open space to the extent practical, that areas that are identified as having potential conservation or open space value have been considered for inclusion in any open space, and that development in these areas is minimized to the extent practical.

2. The Master Plan assures that the treatment of areas along the perimeter of the MU-4 District that are adjacent to existing residential uses are done in a manner that minimizes any negative impacts on the adjacent residential uses including visual intrusion, exterior lighting, noise, traffic, or other external factors.
3. The Master Plan assures that the treatment of areas adjacent to existing public streets creates an attractive urban streetscape that is compatible with the pattern of the adjacent neighborhood and results in the transition of the development into the adjacent neighborhood taking into consideration the scale and massing of any buildings or structures in this area, the orientation of buildings to the street if they are located within one hundred (100) feet of the street, the location of parking, vehicular drives, and service areas including limitations on parking between buildings and existing streets, and any proposed improvements within the street right-of-way.